

It is well known that Waste Management and Carter Holt Harvey successfully challenged the levy which was quashed in February 2006 in the High Court. This result also had the consequence that Christchurch City was forced to repay levies collected under their bylaw and was no longer able to collect levies which were used to fund local waste minimisation efforts.

The 2001 Tax Review<sup>6</sup> was also supportive of local eco-charges, stating that: *Where.... Environmental concerns are highly localised, as they currently appear to be in New Zealand, measures such as carefully designed eco-charges applied at the local level represent potentially sound policy.*

The tax review, perhaps influenced the MFE's decision to halt work on a national landfill levy in 2002, but MFE gave little support for the Northern Sector Group's attempts to introduce a local levy in lieu of non-action at the national level.

The financial implications of the High Court ruling that quashed the proposed waste levy by-law was so significant for councils that considerable pressure was placed on the then local government Minister Mark Burton to act. The minister tried to comfort LGNZ metro sector that the local Government reform bill would address the problem of the financial implications of the high court decision.

Unfortunately he was unaware that the MFE had already advised against Waitakere City Council's submission on the Local Government reform bill to amend the ambiguities in the act giving councils the power to levy.

The challenge for stakeholders was to reach agreement on waste levy design that would allow the Minister to find the legislative vehicle to deliver it. The Green's Waste Bill may not have passed its first reading had the High Court decision and subsequent ministerial involvement not occurred.

### 3.3. Advocating for Product Stewardship

Waitakere City Council has also supported investigations into the effects of voluntary efforts by industry on junk mail volumes and a report by Envision<sup>7</sup> outlining a model for the re-introduction of refundable deposits on beverage containers in New Zealand which was also supported by 10 other councils.

### 3.4. Implications for Waitakere City of the Waste Bill

It is probable that the SOP will be accepted or changed at least in part by the time it is passed. Key implications for Council follow:

- The long awaited landfill levy is sure to be adopted, with 50% available for local authorities. These funds are not likely to be automatically available. They will most likely be allocated on a contestable basis and largely for new initiatives. It is unlikely that levy funds will be available for existing activities – which could result in potential impacts on Rates.

---

<sup>6</sup> McLeod et al., 2001

<sup>7</sup> The Incentive to Recycle, Envision New Zealand, 2007

---

7 | Update on the Waste Bill and Implications for Council. Report to Waitakere City Council Final, 28th February 2008.

- The Waste Advisory Board will most likely be established. It will be serviced by the MFE as the original working party was intended but will have direct access to the Minister for the Environment. The main implication for Council of the proposed Waste Advisory Board, is that as an independent voice it has the potential to ensure a better balance between the needs of industry and community expectations.
- Product waste will receive more attention with the expectation that industry will be required to take more responsibility for end of life disposal and associated costs of the products they put into the market. There are provisions for both voluntary and mandatory product stewardship schemes to be accredited. The public will be able to have input into which products make the priority list for required product stewardship schemes. However, Council must maintain vigilance against more years of lip service to product stewardship. Unless there is strong leadership from the MFE, product stewardship programmes might lurch on in their current form with industry influence prevailing over that of Local authorities and other stakeholders.
- Councils will be required to prepare Waste Management Plans and there is scope for two or more councils to prepare joint Waste Management Plans
- A definition of waste is to be included. Consistent with WCC's court of Appeal case and submissions on the bill, the implication of any definition of waste is that Councils will need to review their bylaws to ensure consistency with the new legislation.

#### 4. The Role of Environmental Groups

A number of environmental groups including Friends of the Earth, Greenpeace, Forest and Bird, ECO WWF, etc. have advocated for many years for action on waste –most calling particularly for action on packaging waste. The CRN (Community Recycling Network) an association of community businesses has also recently formed. Because many of its members are recycling operators, the CRN has a sound understanding of waste issues and logistics and have used their new platform to promote progressive waste policies at the local and also the national level.

But others, such as KNZB (Keep New Zealand Beautiful) and Zero Waste New Zealand have put little effort into fighting for real change – a reflection perhaps of a desire not to offend existing or potential funding sources. Zero Waste New Zealand has come out at different times both against and in favour of CDL and KNZB, since adopting CDL by an overwhelming majority at their September 07 AGM, has failed to announce it publicly. It is notable that corporate members of KNZB such as British American Tobacco, Wrigleys and the Glass Packaging forum were among the minority that voted against the remit. It is also notable that corporate member, Coca Cola withdrew their sponsorship of the KNZB newsletter shortly after the AGM. The latest newsletter no longer bears Coca Cola's insignia.

In 2003, the New Zealand Business Council for Sustainable Development published a report on the benefits of economic Instruments for motivating sustainable behaviour<sup>8</sup> which stated, *The great promise of incentive-based approaches is that they can help to reconcile conflicting objectives, by making it easier to achieve all of them. This is because; while incentive based policies are firm about the desired outcome, they are flexible about how to get there.*

However, in spite of these comments, the NZBCSD has allowed itself to become a tool for the beverage and packaging industries who are lobbying against the potential introduction of CDL (Container Deposit Legislation) by conducting a ShapeNZ<sup>9</sup> poll into CDL with questions framed in such away as to achieve the result they wanted – that the public of New Zealand give a "thumbs" down to CDL. Given that NZBCSD member, Coca Cola fights worldwide against policies such as CDL that hold them responsible for their waste products, this is not surprising. But it reflects badly on the impartiality and professionalism of the New Zealand Business Council for Sustainable Development.

## 5. The Roles of the New Zealand Packaging Council and the Packaging Accord

Any discussion on New Zealand's waste strategies since at least as far back as the mid 90's would be incomplete if it didn't refer to the New Zealand Packaging Council's exceptional success at avoiding responsibility for the waste their members collectively put into the New Zealand waste stream.

### 5.1. The Packaging Accord – a Brief History

The first voluntary Packaging Accord between the Government and the New Zealand Packaging Council was signed in 1996 in response to public concerns at the rise of packaging waste with a proviso that if it didn't reduce packaging waste, Government would legislate.

Eight years after the signing of the first Accord, a second voluntary Packaging Accord was signed on August 10th 2004. The signatories were the Minister for the Environment and the New Zealand Packaging Council. Local Government New Zealand and the Recycling Operators of New Zealand were endorsing parties to the Accord.

As with the 1996 Accord, the 2004 Accord takes a voluntary approach with little to compel producers to reduce packaging waste. Voluntary agreements have been shown around the world to be ineffective and susceptible to manipulation by the industries they are supposed to regulate.

There are no penalties for non performance although the Accord states that, *"if a voluntary approach does not provide sufficient gains in design, packaging waste reduction and demonstrable adoption of product stewardship, the Government is prepared to consider mandatory regulation measures"*. This is, however, more or less what the Government promised with the first Accord.

<sup>8</sup> NZBCSD, 2003

<sup>9</sup> Reported on the NZBCSD website [www.nzbcscd.org.nz](http://www.nzbcscd.org.nz) 10<sup>th</sup> July 2007

9 | Update on the Waste Bill and Implications for Council. Report to Waitakere City Council Final, 28<sup>th</sup> February 2008,

The reward for the Packaging Council for achieving virtually nothing in terms of the packaging waste reduction that the public have so consistently called for, has been considerable financial support from and a particularly close relationship to the MFE, the only agency charged with the responsibility for holding them to at least some account for the waste burden they impose on communities around the country.

Some things the NZ Packaging Council has done very well. Advocating for the interests of it's members through PR, Media releases, lobbying politicians, councils, education kits extolling the virtues of packaging, attending conferences, issuing awards and declaring in public forums that packaging is such a small percentage of the waste stream that we would be better worrying about other more important issues. All this while funded by the New Zealand Government to act as the "Secretariat" to the New Zealand Packaging Accord Governing Body.

It would be remiss to ignore the achievements of the Glass Packaging Forum – a voluntary initiative which levies glass producers and importers to create a fund to support uses for glass. However Morgan Williams, former Parliamentary Commissioner for the Environment, issued a caution<sup>10</sup> as to the potential longevity of the glass levy without legislative back up, because of the potential for large glass producers to withdraw in the future, thus altering the competitiveness of remaining participants. Additionally, it would be inefficient and costly to set up different product stewardship programmes for each commodity type when under a sweeping product stewardship programme such as CDL all commodities would be included.

It is not just the author who claims that the first Packaging Accord failed to achieve any real outcome, but the also the MFE themselves who admitted in the 2002 New Zealand Waste Strategy) that under the first Accord, "... the total quantity of packaging waste has increased".

Although informative it is puzzling, as to why the MFE, having stated that packaging waste had increased under the first Voluntary Packaging Accord, negotiated a second - with no independent evaluation of the first. It is also a warning to be vigilant when the current Packaging Accord expires in 2009.

This relationship with the MFE continues to bear fruit for the New Zealand Packaging Council with rumours of a third Packaging Accord being proposed and preliminary discussions already taking place between the packaging industry and the MFE. These negotiations seem to have been occurring even as the Select Committee has sat receiving submissions from organisations who at their own expense and in good faith were putting their cases for change.

It is unclear at this point if the Select Committee has been aware of these discussions for a third voluntary Packaging Accord. Regardless, early investigations indicate that

---

<sup>10</sup> Changing Behaviour, Economic instruments in the Management of Waste, Parliamentary Commissioner for the Environment, 2006

submitters with an alternative view to that of the packaging industry stakeholders and the MFE were not invited to participate in these discussions.

It is revealing to note that in their submission to the Select Committee of October 31st 2007, the New Zealand Packaging Council sought to eliminate the voice of the public in setting priority products under new product stewardship legislation in the waste bill with the following recommendations<sup>11</sup>

- On enactment of the SOP, publish in the Gazette a list of recognised voluntary product stewardship schemes and grant those schemes amnesty from the priority product list and regulation (as laid out in clause 19 of the SOP) for the duration of those schemes.
- Remove 'public concern' from the definition of a priority product to give industry confidence that sound science and economic and environmental benefit will be the only criteria, not unfounded public fears.

In the view of the author, these recommendations amount to an attempt by the NZ Packaging Council to bypass and undermine the democratic processes and undermine the efforts of many other stakeholders who are not around the table during the current negotiations with MFE.

## 6. The Role of the Ministry for the Environment

Any analysis of the period between the release of the 2002 New Zealand Waste Strategy and the expected adoption of the Waste Bill by Parliament in 2008, must examine the central role that the Ministry for the Environment has played. When comparing the progress of New Zealand and South Australia and the cause of New Zealand's lack of progress the questions must inevitably be asked:

- Why has it taken so long for New Zealand to introduce best practice policies including economic instruments for managing waste that communities have been calling for over a decade?
- What influences have caused this delay?
- Has the Ministry worked in the best interests of the environment and communities around New Zealand who have long awaited change, or for some reason has it held up change? Or has the MFE become too close to the waste producing industries and their lobbyists whose goal is to resist change?

It is difficult to answer these questions definitively because although there is much anecdotal evidence of the Ministry's go-slow approach to change and preference for the viewpoint of industry over that of communities who are forced to clean up their waste, there is little hard evidence.

---

<sup>11</sup> Submission by the NZ Packaging Council to the Select Committee on Local Government and the Environment, on the Supplementary Order Paper to the Waste Minimisation Bill. Recommendations, 1.7 to 1.8. Page 4 and 5.

However there is some evidence to at least hint at a historical culture of resistance to change within the Ministry leading right up to the present. Some examples since 1999 follow:

- Undermining of the Labour Government's commitment to the "modest landfill levy" promised in their 1999 manifesto.
- Renaming **The Waste Reduction Working Party**, the **Waste Management and Minimisation Working Party**, thus subtly redirecting its emphasis to favour waste management over waste reduction.
- Unilaterally disbanding the Waste Management and Minimisation Working Party, well before it had carried out much of the work it was originally intended for.
- Terminating in 2002 all work on the landfill levy in spite of overwhelming industry, community and political support during submissions on the NZ Waste Strategy.
- Ignoring requests for information by the Parliamentary Commissioner for the Environment<sup>12</sup>, such that he had to resort to using his powers under the Environment Act 1986, stating that "*I regret having to take such a formal approach to seeking information from your team; the first time in my eight years as commissioner.*"
- Advising the Parliamentary Commissioner for the Environment that, "*neither economic instruments nor regulation would be introduced by the Ministry to manage waste unless industry wanted these policy tools to be used*". A Herald article by Brian Fallow<sup>13</sup>, perhaps summed up the wider sentiment and frustration at the time by saying; "*if this is the Ministry's position. It sounds too good to be true from industry's point of view*".
- Conducting non-transparent closed shop negotiations with different players in such a way that has undermined the good intentions and work of submitters on the New Zealand Waste Strategy and the current Waste Bill. In the author's view such closed shop negotiations with stakeholders such as the Packaging Council could breach standing orders, given that the Ministry have formally told at least one local authority that "*the appropriate channel now for getting information to the Select Committee is to send it to the Clerk of Committee, Peter Hoare as the Ministry is bound by procedures that do not allow us to engage with stakeholders without the permission of the committee.*"
- Negotiated a second Packaging Accord between the Government and the New Zealand Packaging Council without evaluating the performance of the first Accord. This in spite of MFE stating (in the NZ Waste Strategy) that under the first Accord, "... the total quantity of packaging waste has increased".

---

<sup>12</sup> The Parliamentary Commissioner for the Environment, Morgan Williams requested the information for his report, Sticks and Carrots, tabled in Parliament in July 2006.

<sup>13</sup> Rubbish Drive Lacks Baffle, NZ Herald, July 13<sup>th</sup> 2006

- Attempt by a Senior MFE staff member to discourage a key person not to join a study tour to South Australia to investigate Container Deposit System.
- Recent comments at a Select Committee that could be interpreted as an attempt to persuade a submitter (the author) to avoid criticism of the ministry.
- Declined to investigate CDL (Container Deposit Legislation) or provided the Select Committee with any analysis of its advantages in spite of a large number of submissions in favour of this form of product stewardship for recycling beverage containers

## 7. Conclusions and Recommendations:

### 7.1. Opportunities Presented by the Waste Bill for Council

The leadership provided by adoption by Government of the Waste Minimisation and Resource Recovery Bill should have a significant positive outcomes for Council. It will favour proactive attitudes within the MFE and within local authorities and community groups who have again the potential to work together for a common cause.

The revised Waste Bill presents significant opportunities for Waitakere City Council. These include:

- A greater emphasis on waste reduction at source and resource recovery
- Funding for new initiatives from the waste levy,
- Ability to recommend priority products for required product stewardship schemes
- Ability to work with industry to encourage accredited voluntary product stewardship schemes that will in turn create more efficient businesses.
- Ability to create joint waste management plans with other TLAs
- The benefits of the independent Waste Advisory Board including a potential role on the Board
- A clear definition of waste and better information required from operators of waste facilities

There are also risks to Council. Firstly in regard to the Levy, it will not be known until the final reading in Parliament of the Bill that the agreed position struck between Government, Local Authority and Waste Industry Stakeholders in 2006, that Councils will receive back at least 50% of the landfill funds to support local waste minimisation initiatives will be retained. Councils will be financially disadvantaged if they only receive funding for new as opposed to the agreed position of being able to fund current waste minimization initiatives.

A stated earlier Council must maintain vigilance against more years of lip service to product stewardship. Only strong leadership from the Government will ensure that products of high public concern reach the priority list and are dealt with appropriately industry wide with no free loaders.

There is the risk that industry influence will prevail over that of Local authorities and other stakeholders in all matters relating to the new waste environment, once the bill is passed. Council's voice will help ensure that there is a fair balance between potentially conflicting interests

Finally there is a risk that a 3rd Voluntary Packaging Accord is signed without Local Authority Stakeholder participation. Again Council's voice will be critical to ensuring that wider range of stakeholders are at the table during negotiations and in the management of any outcome.

## 7.2. Time to examine and change the Culture of the MFE

Significant amounts of time and money have been wasted by Waitakere City and other Councils since the release of the New Zealand Waste Strategy in 2002. Whilst this reports places much of the blame for this lack of progress on the MFE, there are no doubt many committed and capable staff who want to make things happen and a lot of good work is being carried out by the Ministry in many other areas and even in the waste area. However the purpose of the commentary in this report is to draw attention to the negative aspects of the Ministry culture that need righting and unless this occurs similar problems are likely to arise again in the future.

There is sufficient evidence to support the claim that the MFE has favoured industry stakeholders over and above local authorities and various community organisations since the release of the 2002 New Zealand Waste Strategy, right up to the present time. The cost has been too great not to expect change.

**The MFE must closely examine its culture with the aim of aligning it more with the needs and expectations of the wider community and the environment. This will involve careful engagement and consultation with a wider range of stakeholder groups – possibly through a stakeholder engagement group.**

## 7.3. The need to separate the NZ Packaging Council and Packaging Accord Secretariat roles

It is clear that an industry group such as the New Zealand Packaging Council have quite different interests and drivers to that of the wider community. The Packaging Council is focused on a safe business environment for its members who generate the packaging waste, whilst the wider community has a strong desire to significantly reduce packaging waste, even if it might impact to some degree on the business of some Packaging Council members.

As always competing interests must be balanced, but as long as the NZ Packaging Council acts as the Secretariat for the Packaging Accord Governing Council, the

needs of the wider community will continue as they have for over 10 years, to come second to those of industry stakeholders. This is clearly evidenced by the attempt by the NZ Packaging Council in their submission to the Select Committee, to remove "public concern" from the definition of a priority product.

The New Zealand Packaging Accord Structure and the makeup of its Governing Board should be reviewed and redesigned to meet the desire of the past Governments and presumably the present one and the public for authentic action on reducing packaging waste.

It would be a travesty of justice and an abandonment of the principles of democracy if a 3<sup>rd</sup> Voluntary packaging Accord was negotiated out of the full view of the public and without a full and fair independent examination of the alternatives such as Container Deposit Legislation.

**Regardless, Packaging and in particular beverage Packaging Waste is a waste type of high public concern and such significant quantities, that it should become a priority waste.**

**Simply put it is time to put the Accord under the spotlight, to independently audit it's performance and ensure that any agreement with Government in future is not captured by narrowly focused commercial interests.**

## Appendices

---

### <sup>i</sup> From the Labour Party's 1999 manifesto

#### A Waste Reduction Working Party

Labour will:

Establish a New Zealand Waste Reduction Working Party, funded by a modest levy, to be collected by the owners of all landfills, and serviced by the Ministry for the Environment.

This body will comprise representatives from the Ministry for the Environment, regional and territorial local government, industry, environmental groups, specialist groups, Maori interests and the community.

The Landfill Levy will be phased in over the same timeframe as the shift to full cost recovery on waste.

The Working Party will implement the principles, timetables and targets of Labour's policy. It will fund relevant research, promote waste technology transfer, examine overseas projects and trends fund investigations into industrial waste reduction.

Establish voluntary targets for waste reduction with industry groups, analyse waste markets and employment opportunities, advise government and local government on how best to promote reduction, re-use and recycling, and monitor changes to the size and composition of the waste stream.

The working party will work with Cleaner Production functions within Industry New Zealand to ensure that waste minimisation is an integral part of the overall industry strategy. Waste minimisation represents an economic opportunity; waste production is often economically inefficient.

### <sup>ii</sup> South Australia's Waste Strategy 2005 - 2010

South Australia's first State-wide waste strategy was been released in 2004. The strategy aimed to ensure a healthy environment for South Australians into the future.

State and Local Government agencies, the waste management industry, business and the community where involved in helping Zero Waste SA to develop the waste strategy and guide the way in which waste is managed in South Australia.

---

The strategy established waste reduction goals and targets for South Australia and set out a range of strategies and steps to achieve these goals and targets.

The five year strategy focused on five key objectives:

- **Foster sustainable behaviour** - simply providing information will not influence people to recycle or re-use material or resources in a sustainable way.
- **Less waste** - achieving substantially less waste going to landfill in South Australia means that materials must be redirected towards more beneficial uses.
- **Effective systems** - South Australia needs to establish, maintain and increase the capacity of recycling systems and re-processing infrastructure in metropolitan and regional areas.
- **Effective policy instruments** - economic, regulatory and other policy measures must be introduced to give the necessary traction in the market place to encourage avoidance, reduction re-use and recycling of waste.
- **Successful cooperation** - targets of this and future strategies will only be reached with the successful cooperation of a range of stakeholders.

The Strategy also set key material and recycling targets for each waste stream.

---

### <sup>iii</sup> The Greens Waste Bill

The original Greens waste bill aimed to set in place the following:

#### *1. A Waste Minimisation Authority*

This would have an educational and facilitation role and provide advice to the Minister. It would set and monitor targets for reducing the amount of waste to landfills, cleanfills and incinerators, approve and monitor Extended Producer Responsibility programmes and administer the landfill levy.

#### *2. Waste Control Authorities*

Territorial authorities would constitute, either individually or jointly, Waste Control Authorities. They are empowered to enforce requirements of this Bill through bylaw-making and licensing provisions.

#### *3. Bans of materials to landfill*

Phased in bans will be introduced for materials which can be recovered, but only where systems already exist, diverting them from waste disposal facilities and using them more productively.

#### *4. Landfill levy*

The Bill creates a levy on every tonne of waste that is sent for disposal. The fund generated would be split 50/50 between local Waste Control Authorities and the

---

national Waste Minimisation Authority and could only be used for waste minimisation purposes.

*5. Extended Producer Responsibility*

Extended producer responsibility programmes will be required for certain products. These require the producer of the product to take responsibility for the product throughout its lifecycle, from design through to the product's end-of-life.

*6. Organisational Waste Minimisation plans*

All organisations will adopt and implement Waste Minimisation plans to facilitate a decrease in the amount of waste they produce. This requirement is phased in over a 10-year period.

*7. Public procurement policies*

Public organisations would be required to give priority to purchasing products and services that either decrease waste generation or support markets for recycled materials.

Submission to  
Local Government and Environment  
Select Committee  
on the  
Dog Control Amendment Bill (No. 2)  
from Waitakere City Council

A108

## INTRODUCTION

1. Waitakere City Council appreciates the opportunity to comment on the Dog Control Amendment Bill (No. 2), (referred to as "the Bill").
2. Waitakere City Council supports the tenor of submissions made by Local Government New Zealand (referred to as "LGNZ").
3. These submissions are made in general support of those made by LGNZ.

## KEY POINTS

### Scope of this Submission

4. This submission addresses issues relating to clauses 4 - 7 of the Bill.
5. Waitakere City intends to make a submission on the wider issues raised in the discussion paper issued by the Department of Internal Affairs relating to improving public safety under the Dog Control Act 1996.

**Clauses 4 and 6 (amend sections 10 and 78(1) of the principal Act): Provides the Government with flexibility to prescribe dog control matters for councils to consider and address**

6. While Waitakere City supports seeking ways to improve dog control and public safety around dogs the City supports LGNZ's contention that the proposed amendments to sections 10 and 78(1) appear to be inconsistent with the intent of the principal Act to enable and promote local decision-making by local communities on methods to achieve appropriate dog control outcomes. An appropriate response to a dog control issue might be quite different in an urban environment to that of wholly rural environment.
7. Waitakere City agrees with LGNZ that while regulations may provide Government with flexibility and greater ease of administration, they are unlikely to result in the rigorous and informed community debate that an amendment to the Act can attract.

A109

1045

8. Waitakere City agrees with LGNZ that territorial authorities have responsibilities to enforce the dog control legislation and as such, are well placed to provide analysis and comment on the practicalities and likely effects of proposals to improve dog control. Waitakere City is well-versed in issues and solutions affecting its local communities.
9. Additional regulations will have practical implications for local government. Waitakere City agrees with LGNZ that if the amendments to sections 10 and 78(1) are adopted it is vital that experienced local government practitioners and agencies and other sector groups are consulted as part of the regulation making process.
10. Waitakere City supports LGNZ's submission that an additional requirement for the Minister to consult with local government be set out in section 78 of the principal Act. This requirement would be consistent with the proposed new sections 78A (2) and (3) (refer Clause 7) which relate to consultation and matters to be taken into account by the Minister when considering adding a breed or type of dog to Schedule 4.
11. Such a requirement would also set a clear intention in the legislation that the responsible Minister must have regard to the views of local government in the development of regulations which impact on councils and their communities. Waitakere City supports the wording of additional clauses suggested by LGNZ (based on wording proposed in sections 78A(2) and (3)) as follows:

*"Before making a recommendation for the purposes of section 78(1)(ab), the Minister must consult and seek advice from representatives of local government, animal welfare organisations, dog clubs, and veterinary organisations that the Minister considers appropriate.*

*For the purposes of making a recommendation under section 78(1)(ab), the Minister may also —*

*(a) consult any other person or organisation that he or she thinks relevant; and*

*(b) seek advice on, and have regard to, any other matter he or she thinks relevant".*

**A110**

**Clause 5 (amends section 33E of the principal Act): Provides for mandatory neutering for dogs classified as menacing according to Schedule 4**

12. Waitakere City considers it appropriate to have mandatory neutering for dogs classified as menacing according to Schedule 4 of the Dog Control Act (i.e. due to breed or type). This amendment will result in a consistent approach across the country. However, it does not go far enough.
13. Surplus dogs largely come from indiscriminate breeding of unruly dogs irrespective of breed or breed cross and the off-spring are often predestined to follow the traits and environment of their parents unless they are correctly socialised and kept in a responsible manner. It follows that the wider the powers to enforce mandatory neutering the greater the potential of reducing the population of ill-kept dogs. There is no greater a reason for neutering specific breeds as there is for other dogs classified as menacing. Waitakere City therefore submits that where a dog is classified as menacing for any reason (sections 33A or 33C) neutering should be mandatory.

**Clause 7 (substitutes a new section 78A in the principal Act): Simplifies the process of adding a breed or type of dog to Schedule 4**

14. Waitakere City agrees with LGNZ that careful consideration is needed before amendments are made to Schedule 4 by regulation without the scrutiny that goes with the select committee process. In addition to information on the breed(s) in question, the practicalities of adding a breed to the Schedule and the impact of doing so on the regulatory agencies responsible for enforcing dog control regulations, also need to be taken into account. Without adequate consultation there remains the risk that dogs will be arbitrarily added to the schedule on the basis of ill-informed media reports, as a capricious response to emotive public reaction to a particular reported incident, or based on unsupported data.
15. While Waitakere City supports retaining the requirement on the Minister to consult with local government and other agencies on amendments to Schedule 4, the City supports LGNZ's submission that an additional requirement, a new section 78(2)(b)(vi) also be included, namely to seek advice on –

**Am**

*"the practicalities of listing the breed in Schedule 4 and the impact of doing so on regulatory agencies responsible for dog control".*

## Conclusion

16. Waitakere City supports the concern of LGNZ that the proposed amendments to sections 10 and 78(1), to enable Government to prescribe by regulation matters for councils to consider and address in their policies on dogs, appear to be inconsistent with the intent of the principal Act to enable and promote local decision-making by local communities on methods to achieve appropriate dog control outcomes.
17. Territorial authorities, as enforcers of the dog control legislation, are well placed to provide analysis and comment on proposals to improve dog control. Waitakere City is well-versed in the issues affecting its local communities. If the amendments to sections 10 and 78(1) are adopted, Waitakere City considers it vital that experienced local government practitioners and agencies are consulted as part of the regulation making process. Waitakere City agrees with LGNZ that that a requirement to consult with local government be included in section 78 of the principal Act.
18. Waitakere City agrees that mandatory neutering of dogs classified as menacing in accordance with Schedule 4 is appropriate but does not go far enough. Where the Minister is considering an amendment to the Schedule, Waitakere City agrees with LGNZ that there should be an additional requirement to seek advice on the practicalities of listing a breed in Schedule 4 and the impact of doing so on regulatory agencies responsible for dog control. Waitakere City Council further submits that mandatory neutering should be extended to dogs classified under section 33A.
19. Waitakere City does not wish to be heard in support of its submission.

A112

B



Improving Public Safety under the Dog Control Act 1996: Policy Options

RESPONSE FORM

Option 1: Include Additional Breeds in Schedule 4 of the Dog Control Act

Q 1.1 What additional breeds of dog should be added to Schedule 4 of the Dog Control Act?

BREED	REASON WHY
Name of breed	Waitakere City Council does not propose that additional breeds should be added to the Schedule for the reasons stated in Q 1.2 below.
Name of breed	Reason
Name of breed	Reason
Name of breed	Reason

Q 1.2 What should be the basis for identifying which breeds should be included in Schedule 4?

This question stated cannot be answered with any certainty.

Waitakere City Council does not believe that adding further breeds to the Schedule will get to the root cause of dangerous dogs. Media descriptions of dogs reported to have attacked are unreliable and in many instances erroneous. The breed or breed mix referred to as pit-bull is the target of media interest whenever there is a reported dog attack and yet, statistically that breed mix is under-represented in recent dog attack reports.

ACC statistics show that breeds or mixes of prohibited breeds and types are not the cause of most dog bite reports. The Dog Control Officers Institute reports that 73% of all dog bites are not reported to Territorial Authorities because the victim is the dog owner or is a member of the dog owner's family.

Enforcing breed specific laws against the owners of otherwise well-socialised dogs that show no propensity for unacceptable behaviour diverts Territorial Authority resources away from the real threats to society from dogs not from the named breeds but nonetheless exhibiting aggressive behaviour.

Option 2: Destruction of Dogs Classified as Dangerous

Q 2.1 Do you think the current controls imposed on dangerous dogs are sufficient to control such dogs?

NO

Reason

A113

When a person is charged with an offence of being the owner of a dog that has attacked a person or animal the dog must be held in custody pending the outcome of the Judge's decision in the criminal court, unless the Territorial Authority considers the dog is not a threat to public safety. The Judge must issue a destruction order, unless there is a compelling reason to the contrary.

While it is open to a Judge to discharge a defendant, the Judge can still make a destruction order for the dog if the Judge is satisfied that the dog committed an attack even in the absence of a conviction. However, the Court hearing on whether or not there will be a destruction order cannot be separated from the hearing of the criminal charges against the offender.

Common delays in the Court process can mean that the Territorial Authority is holding a dog for up to a year when there is a defended hearing. That imposes on the Territorial Authority an obligation to keep the dog in custody with all the risks involved to kennel staff in dealing with a dangerous dog. A dangerous dog confined for that period of time without proper socialisation inevitably becomes more dangerous. Further, it is not uncommon for such dogs to be stolen from the dog shelter before the case is dealt with by the Court.

There are grounds for introducing a new power for the Court to make an enforcement order based on the Animal Welfare Act 1999 (section 144) which enables a District Court to make an enforcement order where there has been a contravention of the Animal Welfare Act.

With appropriate modifications the enforcement order process, which is heard by the District Court in its civil jurisdiction, would enable a Territorial Authority to file a written application with supporting affidavits and a Judge could issue a destruction order. Usually that can be done on the papers without a court hearing. There is provision in the Animal Welfare Act for a temporary enforcement order without notice which must be determined within 3 months otherwise the enforcement order becomes permanent. Alternatively the Court can proceed on an application with notice. In either event the civil process is quicker by far than the criminal process.

This process would greatly enhance the ability of a Territorial Authority to remove a dangerous dog from society expeditiously.

Q 2.2

Are the behaviours that determine whether a dog is dangerous appropriate as a measure of the risk the dog poses to society?

YES

Reason

The only current statutory ground for determining that a dog is dangerous is that "aggressive behaviour by the dog on one or more occasions" is grounds for believing it constitutes a threat to public safety.

Behaviours that indicate a risk that the dog is a real threat to society are based on a number of factors. Breed alone is not a determinant in itself but may be a contributing factor along with other socialisation and environmental issues. The reason why a person wants a dog and how the dog is maintained are important signposts on the road to aggression. A potentially dangerous dog is most likely to be a large unneutered male, owned by a macho male who is keeping it as a status symbol or a guard dog, the dog is kept mostly on a chain, and is encouraged or trained to be aggressive. Such dogs will often not fit the criteria of the prohibited breeds as this dog is a type rather than a breed.

Historically, these dogs have been derived from Alsations, Dobermans, Rottweilers, and now Pit-Bulls. In the future it could move to crosses with Mastiffs, Bull Mastiffs, or American Bull Dogs.

Does the list of behaviours need to be changed?

YES

If yes, what would you propose?

No list of behaviours was included in the discussion paper. Nonetheless, determining whether or not a dog is dangerous is largely based on past behaviour, both of the dog and its owner. Assessment based on future behaviour is subjective but there are recognised tests. Waitakere City Animal Welfare section carries out temperament testing of dogs based on generally accepted criteria used in Australia, the US and the UK. There is no national standard in New Zealand. It would be helpful if the Department of Internal Affairs were to facilitate national guidelines on temperament testing in consultation with animal behaviourists and dog control / animal welfare professionals. However, this is not an issue that should be resolved by legislation.

A114

17/3/00

**Q 2.3** Do you support or oppose the mandatory destruction of all dogs classified as dangerous?

**OPPOSE**

Reason

Any dog which the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of persons etc. may be so classified. There need not be any evidence that the dog has attacked. The only real effect of the classification is that a dangerous dog must be muzzled while in public.

To leap from muzzling to mandatory destruction would be seen by the public as draconian and would lessen public cooperation if a sworn statement automatically led to destruction. Further, there does not need to be an attack involved when determining whether or not a dog is dangerous. It might be that the dog has simply exhibited aggressive behaviour. Each case needs to be assessed on its merits.

There will be grounds for the destruction of a dangerous dog where there is clear evidence that it has attacked. The proposal in Q.2 above offers an alternative approach that ensures that dangerous dogs are quickly dealt with but justice is still seen to be done.

**Option 3:** Increase the Controls on Dogs Classified as Menacing to the Level of Controls for Dogs Classified as Dangerous

**Q 3.1** Do you think the current obligations on owners of dogs classified as menacing are sufficient?

**YES**

Reason

The classification of a menacing dog is usually restricted to one that has not attacked or, if it has bitten, the injury is minor. Nonetheless, a Territorial Authority wishing to ensure that further problems are limited by requiring that the dog be muzzled in public will classify it as menacing. In minor cases where a classification is not indicated a dog control officer may choose to issue a muzzle warning based on section 62. While there is no statutory basis for a muzzle warning it is bringing to the attention of the owner that there is a liability for allowing a dog known to the owner to be dangerous, to be at large without a muzzle.

**Q 3.2** Do you support or oppose elevating the level of control on dogs classified as menacing to the level of control on dogs classified as dangerous?

**OPPOSE**

Reason

The difference between a dangerous dog and a menacing dog is that there must be sworn evidence in support and the grounds for considering that the dog is menacing are less in that there need not necessarily be evidence of aggressive behaviour. There simply needs to be grounds for believing that the dog may be a threat.

The effect of a menacing dog classification is to restrict the activity of the dog by muzzling it while in public but also to give the owner a second chance to improve the dog's behaviour. There are no grounds for narrowing the difference between menacing and dangerous.

**Option 4:** Mandatory Neutering of Dogs Classified as Menacing under Section 33A

**Q 4.1** Should dogs classified as menacing under section 33A of the Dog Control Act also be required to be neutered?

**YES**

Reason

Surplus dogs largely come from indiscriminate breeding of unruly dogs irrespective of breed or breed cross and the off-spring are often predestined to follow the traits and environment of their parents unless they are correctly socialised and kept in a responsible manner. It follows that the wider the powers to enforce mandatory neutering the greater the potential of reducing the population of ill-kept dogs. There is no greater a reason for neutering specific

**A115**

10/03/1

breeds as there is for other dogs classified as menacing. Waitakere City therefore submits that where a dog is classified as menacing for any reason (sections 33A or 33C) neutering should be mandatory. However, the discretion to require mandatory neutering of dogs classified by breed should be a matter left to the discretion of each Territorial Authority.

**Option 5: Owner Licensing**

**Q 5.1** Do you support owner licensing?

**YES**

How would it improve safety around dogs?

**Dog Owner Licensing enables responsible dog owners to gain recognition for responsible dog ownership and that sets them apart from casual dog ownership.**

**Dog Owner Licensing needs to be a status that is attained through responsible behaviour and knowledge of the proper care and control of dogs. Dog owner education should strive towards that. Although a Territorial Authority can set lower fees for responsible dog owners (section 37(2)(e)) there is no national standard for current responsible dog owner licensing. Yet dog owners expect to be able to transfer the right to a lower fee as the holder of a Responsible Dog Owner's Certificate when they move from one district to another even though the standards may be quite different. Waitakere City would support the principle of a national standard for Dog Owner Licensing.**

**Q.5.2A** If you answered YES to Q.5.1, should all owners be licensed?

**NO**

*Reason*

**While there may be grounds for all dog owners to be licensed, implementation and enforcement would be onerous and costly. The implications of mandatory Owner Licensing is that a person would need to gain a licence before being able to register a dog. Most dogs are obtained, not after long and careful consideration, but on a spur of the moment. Mandatory Owner Licensing would see more dogs kept unregistered and enforcement of current dog control measures would be made more difficult.**

Or

**Q.5.2B** Should licensing be targeted in some way?

**YES**

If yes, on what basis?

**Voluntary licensing should be targeted towards responsible people who achieve a standard of care and are then rewarded by substantially discounted registration fees, as they are now, based on nationally agreed standards.**

**Q 5.3** Should dog breeders be licensed?

**YES**

*Reason*

**The over-population of dogs is created by those who breed dogs indiscriminately. Breeders fall into two broad categories – those who breed commercially and those who have unspeyed bitches that produce unwanted litters of pups. Both contribute to the over-population of unwanted dogs. There are grounds to support licensing of both types of dog breeder – commercial breeders – which will allow Dog Control Officers to carry out regular inspections and maintain a standard under which breeder dogs are kept – and indiscriminate breeders – who inevitably will not bother to be licensed, can be controlled by other powers through mandatory speying of their bitches and thus reduce the potential for unwanted pups.**

**A116**

Q.5.4 Should the licence administration be carried out by individual councils or by a central authority?

- SELECT -

Reason

**This is not a YES/NO question. Waitakere City Council submits that license administration should be administered by individual councils, but to standards established by national guidelines. The creation of a national authority to the current mix of territorial authorities would create an unnecessary layer of administration and can be adequately carried out by Territorial Authorities.**

Q 5.5 How should owner licensing be funded?

**The Department of Internal Affairs has a role in funding national standards and training packs. However, there should be an element of user-pays through a dog owner licence fee.**

Option 6: Councils May Require Proof of Breed

Q 6.1 Do you support or oppose this approach?

**OPPOSE**

Reason

**Identification of breeds is subjective. There is no accurate criteria that can be used to identify any breed. Science is no help and DNA is not an option. Veterinarians are no more expert in identifying a breed or a cross breed than anyone else experienced in dogs. Even Kennel Club judges are not experts in identifying every breed. Identification of mixed breeds is even more uncertain. While Dog Control Officers and SPCA officers are more expert than most in identifying a cross-breed it is still subjective, e.g. last year the SPCA identified a dog as a pit bull because it had a red nose when it was a pure bred Hungarian Vissler.**

Q 6.2 In what circumstances would it be appropriate for councils to require evidence of breed, or to determine the breed of a dog if no evidence is produced?

**With the qualification to the answer to Q 6.1 above — further evidence would be appropriate where it is believed that the dog may fall into the definition of prohibited breeds or types. It will be of little use in identifying cross breeds.**

Q 6.3 Would a broader threshold for breed and type classification of a Schedule 4 breed or type of dog, such as "significantly" or "noticeably", enable councils to improve public safety around dogs?

**NO**

Reason

**The term "noticeably", which means "easily seen", is no more valid than "significantly" and depends on a subjective judgement.**

Q 6.4 Can you suggest alternative ways of resolving difficulties in identifying a dog's breed?

**No**

Option 7: Probationary Owners to Surrender Dogs Classified as Dangerous or Menacing

Q7.1 Should owners who have been placed on probation retain responsibility for dogs classified as dangerous or menacing?

**YES**

**A117**

Reason

The intent of this question is not clear and seems to contradict the heading. It is assumed that it is asking whether probationary owners should retain possession of dangerous or menacing dogs, and by implication, should there be a mechanism for removing dangerous or menacing dogs from probationary owners. Waitakere City considers that this could be achieved through an enforcement order suggested in Q 2.1 above.

**Option 8: Increase Dog Containment Standard**

**Q 8.1** Should dog owners' responsibilities for ensuring the security of their dogs be made clearer and more explicit?

**YES**

Reason

This is not an issue for legislation but for education. And there needs to be national standards that Territorial Authorities can refer to. In a multi-city region like Auckland, where residents move from city to city, they become confused by the lack of common standards between adjoining cities.

**Q 8.2** Should the standard for containment of dogs be increased?

**NO**

Reason

This question is not clear as there are no national standards. The National Animal Welfare Advisory Committee (NAWAC) (administered by MAF) is at the public consultation stage of issuing a Code of Welfare for Dogs. Any discussion on national standards should include NAWAC so that any national standards being considered by the Department of Internal Affairs is consistent with the Code of Welfare for Dogs.

**Option 9: Round Up & Faster Destruction of Unregistered Dogs**

**Q 9.1** Should councils be required to round up unregistered dogs?

**NO**

Reason

This implies that there are packs of unregistered dogs roaming the streets uncontrolled. While this might be the case in some remote rural areas it is not the case in Waitakere City. Where there is a dog or group of dogs found in a public place existing powers to impound are adequate without a legislative requirement requiring territorial authorities to act in a certain way. Waitakere City is well-versed in issues and solutions affecting local communities.

**Q 9.2** Should councils be able to destroy unclaimed, unregistered dogs in less than seven days?

**NO**

Reason

Seven days is a reasonable time in which to claim an impounded dog. Any shorter would be seen by the dog owning public as draconian. Caring Territorial Authorities will extend that period at their own discretion on a case-by-case basis. There is no valid reason for the period to be reduced with one exception. There is provision in section 139 of the Animal Welfare Act 1999 for the destruction of dogs in a pound where they are in a continual state of suffering and destruction is ordered by a veterinarian or an animal welfare inspector.

While a dog not wearing a collar with a registration disc is deemed not to be registered many registered dogs are impounded without their collar for a variety of reasons. Until microchipping is mandatory for all dogs there is a high risk that registered dogs may be destroyed before their owners have had a reasonable chance to locate them.

Not all impoundings are the fault of the owner. It is not uncommon for an owner who has been on holiday to claim a dog that has been left in the care of another person. A shorter impounding period would be unjust in such situations, particularly if a loved pet was destroyed before the owner had a reasonable opportunity to claim it.

**A118**

**Q 9.3** If not, what should the minimum period be?

**7 days**

---

Please send us your comments by **5.00pm, Monday 31 March 2008**.

Email your comments to [dogcontrol@dia.govt.nz](mailto:dogcontrol@dia.govt.nz), or post a hard copy to:

Improving Public Safety Under the Dog Control Act 1996: Options for Discussion,  
Department of Internal Affairs,  
PO Box 805,  
Wellington.

**A119**

LOCATION	DESIGNATION REFERENCE	DESIGNATED PURPOSE REQUIRES AMENDMENT?	REQUIRING AUTHORITY	REQUIRING AUTHORITY NAME CHANGE REQUIRED?	ASSET AREA	STATUS	EVIDENCE OF PROGRESS/ERROR
Rua o te Whenua	AC1		Arways			Given effect to	
Waikare Ranges Regional Parkland	ARC1		Auckland Regional Council			Given effect to	
Waikare Ranges Regional Parkland	ARC2		Auckland Regional Council			Given effect to	
Scenic Drive, Waiakeia	BCL1		Broadcast Communications Ltd (Kordia)			Given effect to	
That part of Waiakeia City from the transmission mast at Waiakeia to Hobson Street in downtown Auckland	BCL2		Broadcast Communications Ltd (Kordia)			Given effect to	
Portage Rd, New Lynn	Dept J1	Community Work Centre	Minister of Corrections			Given effect to	
Ratamui St, Henderson	Dept J2	Community Work Centre	Minister of Corrections			Given effect to	
Whenuapai Airbase - Brigham Creek Rd	MD1 Defence Purposes - Airfield		Minister of Defence			Given effect to	
Aerial Farm - Bistol Rd, Whenuapai	MD7 Defence Purposes - Communications		Minister of Defence			Given effect to	
Whenuapai Airbase - Brigham Creek Rd	MD1 Defence Purposes - Sewerage		Minister of Defence			Given effect to	
Whenuapai Airbase - Brigham Creek Rd	MD1 Defence Purposes - Housing		Minister of Defence			Given effect to	
Former Hobsonville Airbase - Buckley Ave, Hobsonville	MD1 Defence Purposes - Airfield		Minister of Defence			Given effect to	
Buckley Ave, Hobsonville	MD1 Defence Purposes - Waste Water Plant		Minister of Defence			Given effect to	
RNZAF Aviation Medicine Unit, Clark Rd, Hobsonville	MD1 Defence Purposes - Administration		Minister of Defence			Given effect to	
Communications facility - Hobsonville Rd, Hobsonville	MD1 Defence Purposes - Water Supply		Minister of Defence			Given effect to	
Whenuapai & Hobsonville Airbases	Airspace designations together with land use controls					Given effect to	
Archie Rd, New Lynn	ME1		Minister of Education			Given effect to	
Trinmoana Rd, Henderson	ME2		Minister of Education			Given effect to	
Karapo Crescent, Henderson	ME3		Minister of Education			Given effect to	
Bruce McLaren Rd, Henderson	ME4		Minister of Education			Given effect to	
Kinlata Drive, Royal Heights	ME5		Minister of Education			Given effect to	
Don Buck Rd, Henderson	ME6		Minister of Education			Given effect to	
Edmonton Rd, Henderson	ME7		Minister of Education			Given effect to	
Flanshaw Rd, Te Atatu	ME8		Minister of Education			Given effect to	
Roberts Rd, Te Atatu	ME9		Minister of Education			Given effect to	
Croydon Rd, New Lynn	ME10		Minister of Education			Given effect to	
Kaurilands Rd, Titirangi	ME11		Minister of Education			Given effect to	
Barnys Rd, Henderson	ME12		Minister of Education			Given effect to	
Godley Rd, Green Bay	ME13		Minister of Education			Given effect to	
Godley Rd, Green Bay	ME14		Minister of Education			Given effect to	
Henderson Valley Rd, Henderson	ME15		Minister of Education			Given effect to	
Lincoln Rd, Henderson	ME16		Minister of Education			Given effect to	
Naval Rd, Henderson	ME17		Minister of Education			Given effect to	
Montel Ave, Henderson	ME18		Minister of Education			Given effect to	
Henderson Valley Rd, Henderson	ME19		Minister of Education			Given effect to	
Hobsonville Rd, Hobsonville	ME20		Minister of Education			Given effect to	
Atkinson Rd, Titirangi	ME21		Minister of Education			Given effect to	

LOCATION	DESIGNATION REFERENCE	DESIGNATED PURPOSE REQUIRES AMENDMENT?	REQUIRING AUTHORITY	REQUIRING AUTHORITY NAME CHANGE REQUIRED?	ASSET AREA	STATUS	EVIDENCE ON PROGRESS/EFFECT
Archibald Rd, Kelston	ME22		Minister of Education			Given effect to	
Vanguard & St Leonards Roads, Kelston	ME23		Minister of Education			Given effect to	
Archibald Rd, New Lynn	ME24		Minister of Education			Given effect to	
Wilfers Rd, Glen Eden	ME25		Minister of Education			Given effect to	
Victory Rd, Laingholm	ME26		Minister of Education			Given effect to	
Keegan Drive, Massey	ME27		Minister of Education			Given effect to	
Luckens Road, Hobsonville	ME28		Minister of Education			Given effect to	
Don Buck Rd, Massey	ME29		Minister of Education			Given effect to	
Don Buck Rd, Henderson	ME30		Minister of Education			Given effect to	
Matipo Rd, Te Atatu	ME31		Minister of Education			Given effect to	
Mangan Ave, New Lynn	ME32		Minister of Education			Given effect to	
Mayville Rd, New Lynn	ME33		Minister of Education			Given effect to	
Shaw Rd, Oratia	ME34		Minister of Education			Given effect to	
Garden Rd, Piha	ME35		Minister of Education			Given effect to	
Pomania Rd, Henderson	ME36		Minister of Education			Given effect to	
Rusler Rd, Glen Eden	ME37		Minister of Education			Given effect to	
Glenview Rd, Glen Eden	ME38		Minister of Education			Given effect to	
Garajia Rd, Henderson	ME39		Minister of Education			Given effect to	
Karu Place, Te Atatu South	ME40		Minister of Education			Given effect to	
Station Rd, Ranui	ME41		Minister of Education			Given effect to	
Royal Rd, Massey	ME42		Minister of Education			Given effect to	
Kobuku St, Te Atatu	ME43		Minister of Education			Given effect to	
Toru St, Te Atatu	ME44		Minister of Education			Given effect to	
Maire Rd, Massey	ME45		Minister of Education			Given effect to	
Don Buck Rd, Massey	ME46		Minister of Education			Given effect to	
Ribblesdale Rd, Henderson	ME47		Minister of Education			Given effect to	
Swanson Rd, Swanton	ME48		Minister of Education			Given effect to	
Waipani Rd, Te Atatu	ME49		Minister of Education			Given effect to	
Harbourside View Rd, Te Atatu North	ME50		Minister of Education			Given effect to	
Kokiri Street, Te Atatu South	ME51		Minister of Education			Given effect to	
Atkinson Rd, Tlirangi	ME52		Minister of Education			Given effect to	
Rathgar Rd, Henderson	ME53		Minister of Education			Given effect to	
Bathells Rd, Waitakere	ME54		Minister of Education			Given effect to	
Oriel Ave, Massey	ME55		Minister of Education			Given effect to	
Sturges Rd, Henderson	ME56		Minister of Education			Given effect to	
Bigham Creek Rd, Whenuapai	ME57		Minister of Education			Given effect to	
Woodlands Park Rd, Woodlands	ME58		Minister of Education			Given effect to	
		Summerland Primary School and Early Childhood Centre					
Munroe Rd, Sturges Valley	ME59		Minister of Education			Given effect to	
7 Buscomb Ave, Henderson	MP1		Minister of Police			Given effect to	
492 Te Atatu Rd, Te Atatu Peninsula	MP2		Minister of Police			Given effect to	
3092 Great North Rd, New Lynn	MP3		Minister of Police			Given effect to	
390 Don Buck Rd, Massey	MP4		Minister of Police	Minister for Social Development and Employment		Given effect to	
			Minister of Social Welfare	Minister for Social Development and Employment		Given effect to	
26 Normandy Pl, Henderson	MSW1		Minister of Social Welfare	Minister for Social Development and Employment		Given effect to	
116 Wharf Rd, Te Atatu Peninsula	MSW2		Minister of Social Welfare	Minister for Social Development and Employment		Given effect to	
Triangle Rd, Henderson	RN22		Radio NZ & NZ Public Radio	The Radio Network Limited and Radio New Zealand Limited		Given effect to	

LOCATION	DESIGNATION REFERENCE	DESIGNATED PURPOSE REQUIRES AMENDMENT	REQUIRING AUTHORITY	REQUIRING AUTHORITY NAME CHANGE REQUIRED?	ASSET AREA	STATUS	EVIDENCE OF PROGRESS/EFFORT
Selwood Rd, Henderson	RNZ3		Radio NZ & NZ Public Radio	The Radio Network Limited and Radio New Zealand Limited		Given effect to	
Quirns Rd, Waiatarua	PH1		Telecom			Given effect to	
6 Clayburn Rd, Glen Eden	PH2		Telecom			Given effect to	
1198A Huija Rd, Huija	PH3		Telecom			Given effect to	
142-144 Don Buck Rd, Massey	PH4		Telecom			Given effect to	
3125 Great North Rd, New Lynn	PH5		Telecom			Given effect to	
20 Seaview Rd, Puke	PH6		Telecom			Designation deleted	
Old Te Atatu Rd, Te Atatu	PH7		Telecom			Given effect to	
Car South Tīrangiri Rd & Park Rd, Tīrangiri	PH8		Telecom			Given effect to	
Scenic Drive, Waiatarua	PH9		Telecom			Given effect to	
McKintee Rd, Waitakere	PH10		Telecom			Given effect to	
49 Kauri Rd, Whenuapai	PH11		Telecom			Given effect to	
6 Ratanui St, Henderson	PH12		Telecom			Given effect to	
118 Henderson Valley Rd	PH13		Telecom			Given effect to	
103 Bighams Creek	PH14		Telecom			Given effect to	
Auckland-Kumeu Motorway (SH16)	TSNZ1		Transit NZ			Given effect to	
Hobsonville Road	TSNZ2		Transit NZ			Given effect to	
State Highway 16	TSNZ3		Transit NZ			Given effect to	
State Highways SH188 and SH18C	TSNZ4		Transit NZ			Still required	Transit has requested tenders to design and build the Hobsonville section of the Upper Harbour Corridor Motorway project. Enabling works (wetland treatment pond & relocation of the Watercare pump-station) have also been completed to allow construction of the motorway to commence.
Hobsonville Road	TSNZRW1		Transit NZ			Still required	Designated for the purpose of further road widening. Minor safety improvement projects and the 1/16 Auckland to Waiatarua Strategic study have been undertaken.
State Highway 16	TSNZRW2		Transit NZ			Still required	Designated for the purpose of further road widening. Minor safety improvement projects and the 1/16 Auckland to Waiatarua Strategic study have been undertaken.
Lincoln Park Ave	TP1		Transpower			Given effect to	
Hepburn Rd	TP2		Transpower			Given effect to	
Rua o te Whenua, Scenic Drive	TP3		Transpower			Given effect to	
Railway line from New Lynn to Waitakere township	NZR1		Franz Rail/ NZ Railways Corp	New Zealand Railways Corporation		Given effect to	
McLeod Road	PNZ1		United Networks	Vector Limited		Given effect to	
Sabulite Road	PNZ2		United Networks	Vector Limited		Given effect to	
28 Royal View Rd, Te Atatu	PNZ3		United Networks	Vector Limited		Given effect to	
Car Hobsonville & Trigg Rd	PNZ4		United Networks	Vector Limited		Given effect to	
Swanson Rd	PNZ5		United Networks	Vector Limited		Given effect to	
Car Triangle Rd & Lincoln Park Ave	PNZ6		United Networks	Vector Limited		Given effect to	
88 Atkinson Rd, Tīrangiri	PNZ7		United Networks	Vector Limited		Given effect to	
Simpson Rd, Henderson	PNZ8		United Networks	Vector Limited		Given effect to	
Huija Rd	PNZ9		United Networks	Vector Limited		Given effect to	
8 Woodford Ave, Henderson	PNZ10		United Networks	Vector Limited		Given effect to	
14 Tīrangiri Rd, New Lynn	PNZ11		United Networks	Vector Limited		Given effect to	
Clinker Place, New Lynn	PNZ12		United Networks	Vector Limited		Given effect to	
15 Waiatarua Rd, Glen Eden	PNZ13		United Networks	Vector Limited		Given effect to	
Henderson Valley Rd	PNZ14		United Networks	Vector Limited		Given effect to	
45-49 Keeling Rd, Henderson	PNZ15		United Networks	Vector Limited		Given effect to	
515 South Tīrangiri Rd	PNZ16		United Networks	Vector Limited		Still required	Preliminary design work has been carried out and the project is expected to go to the September board meeting for approval. Once approved, the new substation will be commissioned within 2 years.
West Coast Rd, Oratia	PNZ17		United Networks	Vector Limited		Still required	A new zone substation is currently being constructed on this site and is expected to be commissioned in late 2007.
Waitakere Ranges	WSL1		Watercare			Given effect to	
Waitakere Ranges	WSL2		Watercare			Given effect to	
Waitakere Ranges	WSL3		Watercare			Given effect to	

A122

LOCATION	DESIGNATION REFERENCE	DESIGNATED PURPOSE REQUIRES AMENDING?	REQUIRING AUTHORITY	REQUIRING AUTHORITY NAME	ASSET AREA - WCC	STATUS	EVIDENCE OF PROGRESS/EFFORT
Woodlands Park Rd, Tirirangi	WSL4		Watercare			Given effect to	
Hobsonville Rd	WSL5		Watercare			Given effect to	
Sunynside Rd, Glen Eden	WSL6		Watercare			Given effect to	
Konini Rd, Tirirangi	WSL7		Watercare			Given effect to	
The Concourse, Henderson	WSL8		Watercare			Still required	Progress made to date includes the undertaking of considerable monitoring pertaining to the wastewater network and flows. This monitoring is directly related to the Peak Flow Storage Tanks as it has been used to determine the appropriate storage tank size for this project. As a result of this monitoring, the planned storage tank has now been identified in concept with a provision of 26,000m <sup>3</sup> of storage with diversion works and return pumps. Construction is forecast to commence in 2010 at an estimated cost of \$16.9M (Watercare's Asset Management Plan 2007).
Flanshaw Rd, Te Atatu	WSL9		Watercare			Given effect to	
Road Reserve on Pleasant Rd/Tirirangi Rd corner	WSL10		Watercare			Given effect to	
Tolara Rd	WSL11		Watercare			Given effect to	
Te Atatu Rd	WSL12		Watercare			Given effect to	
Wood Bay Beach Reserve	WSL13		Watercare			Given effect to	
Langholm Rd reserve at Deirdre Place	WSL14		Watercare		Parks	Given effect to	
75 - 79 Glen Rd, Massey	WCCPSC1		Waikare City Council			Given effect to	
The Concourse, Te Atatu	WCCBF1	Solid Waste Processing & Recycling Centre	Waikare City Council		Solid Waste & Refuse Station	Given effect to	
Opanuku Stream, 369 Henderson Valley Rd and 182 Candia Road	WCCDS1		Waikare City Council		Parks	Still required	These are key areas for acquisition to create a citywide green network corridor along Opanuku Stream to the Ranges. Areas identified are gaps in the current esplanade system and may not be subject to subdivision, therefore, potential future acquisition would be required through LSRF.
Te Rangī Hiroa Park, 68 Chamberlain Rd	WCCOS2		Waikare City Council		Parks	Given effect to	
Opanuku Stream, 240 Henderson Valley Rd and adjoining sites	WCCOS3		Waikare City Council		Parks	Still required	These are key areas for acquisition to create a citywide green network corridor along Opanuku Stream to the Ranges. Areas identified are gaps in the current esplanade system and may not be subject to subdivision, therefore, potential future acquisition would be required through LSRF.
Pioneer Park & Alderman Dr	WCCDS5		Waikare City Council		Parks	Given effect to	
Ranui Station Rd/Marinch Dr	WCCDR1		Waikare City Council		Ecowater	Given effect to	
Easton Parade	WCCSPS1		Waikare City Council		Ecowater	Given effect to	
Colwill Rd	WCCSPS2		Waikare City Council		Ecowater	Given effect to	
Phillip Ave	WCCSPS3		Waikare City Council		Ecowater	Given effect to	
McEntee Rd	WCCWSP1		Waikare City Council		Ecowater	Given effect to	
Don Buck Rd	WCCWSP2		Waikare City Council		Ecowater	Given effect to	
Te Henga Rd	WCCWSP3		Waikare City Council		Ecowater	Given effect to	
Scenic Dr	WCCWSP4		Waikare City Council		Ecowater	Given effect to	
Bush Rd, Waikare	WCCWSP5		Waikare City Council		Ecowater	Given effect to	
Hula Rd	WCCWSP6		Waikare City Council		Ecowater	Given effect to	
Clairidge St/45 Woodglan Rd	WCCWW1		Waikare City Council		Parks	Given effect to	Planning work carried out over the last few years has identified Hickory Street and Dora Street as the preferred route for a new east-west link on the south side of Henderson.
Dora St	WCCRP2		Waikare City Council		Transport	Still required	The route will link Henderson Valley Road through to Cathaine Street and Vitasovich Road. This involves an underpass under the railway line and Ralside Ave, which will connect Hickory Street to Dora Street, and extending Dora Street through the area designated by WCCRP2 and a bridge over the Otaria Stream to Vitasovich Road. Funding for the detailed design, and construction is identified in the LTCCP from 2010 to 2014.
Harvest Dr	WCCRP3		Waikare City Council		Transport	Given effect to	
Marinch Dr	WCCRP4		Waikare City Council		Transport	Still required	The northwestern arterial route extends from Palomino Drive to Birdwood Road, via a combination of new and existing roads. The route has been implemented on an incremental basis over the last decade and will continue to be extended over the next decade. WCCRP4 has been partially given effect by construction of the southern portion of Marinch Drive, however a small part of the designation has yet to be exercised to connect the two parts of Marinch Drive. The LTCCP identifies funding for the remaining part of WCCRP4 in 2009-2013.

A123

LOCATION	DESIGNATION REFERENCE	DESIGNATED PURPOSE REQUIRES AMENDMENT	REQUIRING AUTHORITY	REQUIRING AUTHORITY NAME CHANGE REQUIRED?	ASSET AREA	STATUS	EVIDENCE OF PROGRESS/EFFORT
Palomino Dr to Monroe Rd	WCCRP6		Waitakere City Council		Transport	Given effect to	
Hutchinson Ave	WCCRP7		Waitakere City Council		Transport	Given effect to	The northwestern arterial route extends from Palomino Drive to Birdwood Road, via a combination of new and existing roads. The route has been implemented on an incremental basis over the last decade and will continue to be extended over the next decade. WCCRP8 will follow on as the later stages of implementing the route. The LTCCP identifies funding for the remaining part of WCCRP8 in 2013 to 2016.
Waitemata Drive	WCCRP8		Waitakere City Council		Transport	Still required	
Waipareira Avenue	WCCRP9		Waitakere City Council		Transport	Given effect to	
Alderman Dr	WCCCP1		Waitakere City Council		Transport	Given effect to	
Delta Ave 1	WCCCP3		Waitakere City Council		Transport	Given effect to	
McNaughton Way	WCCCP4		Waitakere City Council		Transport	Given effect to	
Great North Rd	WCCCP5		Waitakere City Council		Transport	Given effect to	
Afton Pl	WCCA1		Waitakere City Council		Transport	Given effect to	
Allington Rd	WCCA2		Waitakere City Council		Transport	Given effect to	
Clevedon Rd	WCCA5		Waitakere City Council		Transport	Given effect to	
Daffodil St	WCCA6		Waitakere City Council		Transport	Given effect to	
Denver Avenue	WCCA7		Waitakere City Council		Transport	Given effect to	This designation is required for the future subdivision of adjacent properties.
Denver Avenue	WCCA8		Waitakere City Council		Transport	Still required	This designation is required for the future subdivision of adjacent properties.
De Val Dr	WCCA9		Waitakere City Council		Transport	Designation to be deleted	
Edwin Freeman Pl	WCCA10		Waitakere City Council		Transport	Designation to be deleted	
Fairbanks Pl	WCCA11		Waitakere City Council		Transport	Designation to be deleted	
Fairdene Ave	WCCA12		Waitakere City Council		Transport	Given effect to	
Glengary Rd	WCCA13		Waitakere City Council		Transport	Designation to be deleted	
Glymbrook Rd	WCCA14		Waitakere City Council		Transport	Still required	The walkway access will be given effect through subdivision of 188-174 McLead Road. Resource Consent has been granted for the subdivision and detailed engineering plans have been submitted to the Council.
Greenack Rd	WCCA17		Waitakere City Council		Transport	Given effect to	
Lincoln Park Ave	WCCA19		Waitakere City Council		Transport	Given effect to	
Lincoln Park Ave	WCCA20		Waitakere City Council		Transport	Given effect to	
McKinley Rd	WCCA21		Waitakere City Council		Transport	Given effect to	
Redwood Dr	WCCA22		Waitakere City Council		Transport	Given effect to	
Reynella Dr	WCCA23		Waitakere City Council		Transport	Still required	Area vested as road reserve but not formed. The area is shown as Transport Environment on the District Plan maps and will give access to a future subdivision.
Sari Pl	WCCA25		Waitakere City Council		Transport	Given effect to	
Spargo Rd	WCCA26		Waitakere City Council		Transport	Given effect to	The designated area will give access to an existing schools playing fields in the future and is the only way to gain vehicle access to the playing fields.
Timandra Pl	WCCA27		Waitakere City Council		Transport	Still required	Designation to be deleted
Vinerooy Pl	WCCA29		Waitakere City Council		Transport	Designation to be deleted	
Carlas Way 35 Ramul Station Rd	WCCA32		Waitakere City Council		Transport/Parks	Given effect to	
Henderson Square A	WCCSL1		Waitakere City Council		Transport	Given effect to	
Henderson Square B	WCCSL2		Waitakere City Council		Transport	Given effect to	
Hugh Brown A, B, C	WCCSL3		Waitakere City Council		Transport	Given effect to	
James Laurie St	WCCSL4		Waitakere City Council		Transport	Given effect to	
Paltau St	WCCSL5		Waitakere City Council		Transport	Given effect to	
Todd Ave	WCCSL6		Waitakere City Council		Transport	Given effect to	
Great North Rd	WCCC1		Waitakere City Council		Cemetery	Given effect to	
O'Neils Rd	WCCC2		Waitakere City Council		Cemetery	Given effect to	
Ambitico Place	WCCO4		Waitakere City Council		Parks	Given effect to	
Birdwood Rd	WCCRW1		Waitakere City Council		Transport	Still required	The northwestern arterial route extends from Palomino Drive to Birdwood Road, via a combination of new and existing roads. The route has been implemented on an incremental basis over the last decade and will continue to be extended over the next decade. WCCRW1 will follow on as the later stages of implementing the route. Funding for Birdwood Road would be beyond the 10 year horizon in the current LTCCP in about 2016-2020.
Clark St	WCCRW2		Waitakere City Council		Transport	Still required	Part given effect over the past 5 years (south side of the road widened to provide 4 lanes and a median). Further widening on the northern side is expected to flow out of the New Lynn Transit Oriented Design project (rail trench and bus interchange) with further widening likely on the north side to accommodate bus/cycle lanes.

LOCATION	DESIGNATION REFERENCE	DESIGNATED PURPOSE REQUIRES AMENDMENT	REQUIRING AUTHORITY	REQUIRING AUTHORITY NAME CHANGE REQUIRED?	ASSET AREA	STATUS	EVIDENCE OF PROGRESS/EFFORT
Edmonton Rd	WCORW3		Waikare City Council		Transport	Still required	Part given effect through road widening. Further works will be undertaken as necessary and the designation is still required.
Great North Rd	WCORW4		Waikare City Council		Transport	Still required	Part given effect through the widening of Great North Road at Brandon Road to accommodate a median. Designation is for identified work to extend this median along the full length of this section of road. The work has been identified through a corridor study in 2003, and is in the LTCCP for implementation in 2010-2016.
Lincoln Rd	WCORW5		Waikare City Council		Transport	Still required	Parts have been given effect. 4 lining at the southern end of Lincoln Road, and the third north bound lane along the frontage of Pak 'n Save and Mega Mire 10. Additional work currently underway to investigate and develop concept designs for the next phase of the work. The LTCCP identifies funding for the further work from the present day to 2016.
Portage Rd	WCORW6		Waikare City Council		Transport	Designation to be deleted	
Swanson Rd	WCORW7		Waikare City Council		Transport	Still required	The requirement for further widening of Swanson Road has been confirmed through the 2003/2004 Swanson Road Corridor Study. The LTCCP identifies funding to design and construct from 2011 to 2015.
Te Atatu Rd South	WCORW8		Waikare City Council		Transport	Still required	Investigation and concept design work currently in progress so that more detailed land taking requirements can be identified. Work is programmed over the next three to four years to detail design, land take and construct this project.
Titirangi Rd	WCORW 10		Waikare City Council		Transport	Still required	The requirement for further widening of Titirangi Road has been confirmed through the 2001/2002 Titirangi Road Corridor Study. Likely construction date falls beyond the current LTCCP from 2018 to 2020.
Tolara Ave	WCORW 11		Waikare City Council		Transport	Still required	Currently being progressed through the design on the New Lynn Transport Oriented Design project (rail trench and bus interchange).
West Coast Rd	WCORW 13		Waikare City Council		Transport	Still required	The requirement for further widening of West Coast Road has been confirmed through the 2003/2004 West Coast Road Corridor Study. Preliminary work around grade separation options for Glenview Road rail crossing has also identified a need for widening. Further work to develop options for the grade separation is programmed next year.
Swanson Rd	WCORW 14		Waikare City Council		Transport	Still required	The requirement for further widening of Swanson Road has been confirmed through the 2003/2004 Swanson Road Corridor Study. The LTCCP identifies funding to design and construct from 2011 to 2015.
Aldeman Drive Kay Road	WCORW 15 WCOR14		Waikare City Council		Transport	Still required	The land has been taken, road widening will be given effect as part of the works included in the Trading Place Link project to be constructed over the next two years.
			Waikare City Council		Parks	Given effect to	

A125

**MINUTES OF A MEETING OF THE SWIMMING POOL EXEMPTION SUBCOMMITTEE  
HELD AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON THURSDAY, 21 FEBRUARY 2008  
COMMENCING AT 9.07 AM**

---

**PRESENT:** Councillors DQ Battersby, JP (Chairman)  
MM Jolley  
PG Mitchell

**IN ATTENDANCE:** Manager: Legal Services  
Operational Compliance Team Manager  
Team Leader Enforcement Support  
Committee Secretary: E Joyce

**1 APOLOGIES**

147/2008

MOVED by Cr Battersby, seconded Cr Mitchell:

That apologies from Crs Flaunty, Cooper and Hulse for absence be received and sustained.

**CARRIED**

**2 URGENT BUSINESS**

There was no Urgent Business.

**3 CONFLICTS OF INTEREST**

Elected Members were reminded via the agenda, the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have.

**4 PRESENTATION**

The Legal Services Manager gave a presentation on the legal issues surrounding applications for exemption from the Fencing of Swimming Pools Act 1987.

**5 APPLICATIONS FOR SPECIAL EXEMPTIONS - FENCING OF SWIMMING POOLS ACT 1987**

148/2008

MOVED by Cr Battersby, seconded Cr Mitchell:

1. That the Applications for Special Exemptions - Fencing of Swimming Pools Act 1987 report be received.
2. That the Swimming Pool Exemption Subcommittee consider each of the applications and either decline or approve (subject to conditions) the exemptions sought.

A126

**CARRIED**

**APPLICATIONS**

**SJ Bosman, 5 Khaleel Place, Henderson**

149/2008

MOVED by Cr Battersby, seconded Cr Mitchell:

1. That the application and the exemptions sought by SJ Bosman at 5 Khaleel Place, Henderson be approved for an indefinite term.
2. That this exemption will run with the property situated at 5 Khaleel Place, Henderson not withstanding any changes of ownership.
3. That the application fee of \$250 to be paid by SJ Bosman at 5 Khaleel Place, Henderson be waived.

**CARRIED**

**ADJOURNMENT**

150/2008

MOVED by Cr Battersby, seconded Cr Mitchell

That the meeting stand adjourned.

**CARRIED**

9.58 am The meeting adjourned.

10.03 am The meeting reconvened.

**J and J Williams, 12 Chablis Place, Henderson**

151/2008

MOVED by Cr Jolley, seconded Cr Mitchell:

1. That the application and the exemptions sought by J and J Williams at 12 Chablis Place, Henderson be approved for an indefinite term.
2. That this exemption will run with the property situated at 12 Chablis Place, Henderson not withstanding any changes of ownership.
3. That the application fee of \$250 to be paid by J and J Williams at 12 Chablis Place, Henderson be waived.

**CARRIED**

**ADJOURNMENT**

152/2008

MOVED by Cr Jolley, seconded Cr Mitchell

That the meeting stand adjourned.

A127

**CARRIED**

- 10.08 am The meeting adjourned.  
10.15 am The meeting reconvened.

**M Kumerich, 201 Forest Hill Road, Waiaatarua**

153/2008

MOVED by Cr Battersby, seconded Cr Jolley:

1. That the application and the exemptions sought by M Kumerich at 201 Forest Hill Road, Waiaatarua be approved for a period of three years on the premise that the pool is likely to be relocated.

**CARRIED**

**ADJOURNMENT**

154/2008

MOVED by Cr Battersby seconded Cr Jolley:

That the meeting stand adjourned.

**CARRIED**

10.25 am The meeting adjourned.

10.50 am The meeting reconvened.

**A Higgs, 47 Te Ahuahu Road, Piha**

155/2008

MOVED by Cr Jolley, seconded Cr Mitchell:

1. That the application and the exemptions sought by A Higgs, 47 Te Ahuahu Road, Piha, be approved, for an indefinite term subject to the following condition being fulfilled:
  - That the latch on the gate to the pool area be repaired so as to ensure that the gate is self-latching.
2. That the condition in resolution (1) above be completed within 30 working days of this decision or such longer period as the Operational Compliance Team Manager may approve, and if not completed within that period this exemption will lapse and be of no further effect.

**CARRIED**

**ADJOURNMENT**

156/2008

MOVED by Cr Jolley, seconded Cr Mitchell

That the meeting stand adjourned.

**CARRIED**

AQR

- 11.05 am The meeting adjourned.  
11.45 am The meeting reconvened.

**JR and KM Evans, 741B Swanson Road, Swanson**

157/2008

MOVED by Cr Jolley, seconded Cr Mitchell:

1. That the application and the exemptions sought by JR and KM Evans at 741B Swanson Road, Swanson be approved for an indefinite term.
2. That this exemption will run with the property situated at 741B Swanson Road, Swanson notwithstanding any changes of ownership.
3. That the application fee of \$250 to be paid by JR and KM Evans at 741B Swanson Road, Swanson be waived.

**CARRIED**

**ADJOURNMENT**

158/2008

MOVED by Cr Jolley, seconded Cr Mitchell:

That the meeting stand adjourned.

**CARRIED**

- 11.50 am The meeting adjourned.  
12.00 pm The meeting reconvened.

**MA Stack and WR Trustees Limited, 51 Kay Road, Swanson**

159/2008

MOVED by Cr Battersby, seconded Cr Mitchell:

That consideration of the applications and the exemptions sought by MA Stack and WR Trustees Limited be deferred to the next meeting of the Swimming Pools Exemption Subcommittee due to road works making access to the property impossible.

**CARRIED**

**ADJOURNMENT**

160/2008

MOVED by Cr Battersby seconded Cr Mitchell:

That the meeting stand adjourned.

**CARRIED**

A129

- 12.00pm The meeting adjourned.  
1.20pm The meeting reconvened.

**P Law, 6 May Avenue, Te Atatu South**

161/2008

MOVED by Cr Battersby, seconded Cr Mitchell:

1. That the application and the exemptions sought by P Law at 6 May Avenue, Te Atatu South be approved for an indefinite term.
2. That this exemption will run with the property situated at 6 May Avenue, Te Atatu South notwithstanding any changes of ownership.

**CARRIED**

**ADJOURNMENT**

162/2008

MOVED by Cr Battersby, seconded Cr Mitchell:

That the meeting stand adjourned.

**CARRIED**

- 1.25 pm The meeting adjourned.  
1.30 pm The meeting reconvened.

**B and D McCullough, 20 Taikata Road, Te Atatu Peninsula**

163/2008

MOVED by Cr Battersby, seconded Cr Jolley:

1. That the application and the exemptions sought by B and D McCullough at 20 Taikata Road, Te Atatu, be approved, for an indefinite term subject to the following condition being fulfilled:
  - That the applicants advise Council officers immediately of the date when the temporary fence will be replaced with a complying pool fence and that this be completed within 30 days.
2. That the condition in resolution (1) above be completed within the specified timeframe, and if not completed within that period this exemption will lapse and be of no further effect.
3. That the application fee of \$250 to be paid by B and D McCullough at 20 Taikata Road, Te Atatu Peninsula be waived.

**CARRIED**

A130

**ADJOURNMENT**

164/2008

MOVED by Cr Battersby, seconded Cr Jolley:

That the meeting stand adjourned.

**CARRIED**

1.35 pm        The meeting adjourned.

1.50 pm        The meeting reconvened.

**G Sneddon, 1 Blythe Place, Glendene**

165/2008

MOVED by Cr Battersby, seconded Cr Mitchell:

1.        That the application and the exemptions sought by G Sneddon at 1 Blythe Place, Glendene be approved for an indefinite term.
2.        That this exemption will run with the property situated at 1 Blythe Avenue, Glendene notwithstanding any changes of ownership.

**CARRIED**

**ADJOURNMENT**

166/2008

MOVED by Cr Battersby, seconded Cr Jolley:

That the meeting stand adjourned.

**CARRIED**

1.55 pm        The meeting adjourned.

2.00 pm        The meeting reconvened.

**C and L Muller, 41 Woodglan Road, Glen Eden**

167/2008

MOVED by Cr Jolley, seconded Cr Mitchell:

1.        That the application and the exemptions sought by C and L Muller at 41 Woodglan Road, Glen Eden be approved, for an indefinite term subject to the following condition:
  - That no children's play equipment be left in the area near the spa
2.        That the application fee of \$250 to be paid by C and L Muller at 41 Woodglan Road, Glen Eden be waived.

**CARRIED**

A131

2.10 pm

The Chairman thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT A MEETING OF THE SWIMMING  
POOL EXEMPTION SUBCOMMITTEE HELD ON

**DATE:**.....

**CHAIRMAN:**.....

A132