

6. **UPLIFTING OF DESIGNATIONS**

Requirement 34

Telecom New Zealand Limited has advised pursuant to Section 182 of the Resource Management Act 1991, that the designation "Post Office (Telephone Exchange)" over land identified as Lot 1 DP 162567 is no longer required.

On 4/10/93, discretionary activity consent was granted enabling the 358m² area to be subdivided from the designated site. It is now proposed to uplift the designation on that new site created, as the subdivision is near completion and the land is being disposed of to the Titirangi RSA which is developing the area for carparking. The site has an underlying Recreation 4 zoning which would remain.

Requirement 34 has been prepared to record the uplifting of this designation (refer page A22). Under section 182 of the RMA this notice takes effect without further formality.

RECOMMENDATION

1. That the information be received.
2. That the District Plan Map G9 be amended to reflect the change.

Report prepared by K. Blair, Planning Officer

7. **LINKING THE DOG CONTROL AND HYDATIDS ACT 1984 TO THE ANIMALS PROTECTION ACT 1960**

INTRODUCTION

Impending legislation could reduce the effectiveness of the Dog Control and Hydatids Act 1984.

While at present the Courts and Inspectors under the Animals Protection Act 1960 have the power to enforce a provision of the Dog Control and Hydatids Act 1984 which requires proper care and exercise for dogs, the repeal of the Animals Protection Act 1960 when the proposed Animal Welfare Act comes into force may see these powers lost.

BACKGROUND

Prior to the enactment of the Dog Control and Hydatids Act 1984, offences related to cruelty to dogs were found in the Animals Protection Act 1960 and offences related to dog control were found in the Dog Registration Act 1955.

When the Dog Control and Hydatids Act came into force in 1984 offences which related specifically to dogs were taken out the Animals Protection Act 1960. These related to failing to exercise dogs daily, and failing to terminate the suffering of a dog which was injured while attempting to destroy it under the powers of the old Dog Registration Act 1955.

7. **LINKING THE DOG CONTROL AND HYDATIDS ACT 1984 TO THE ANIMALS PROTECTION ACT 1960 (Cont'd)**

A new provision was made in the Dog Control and Hydatids Act 1984 (section 53) that provided that the owner of a dog has the responsibility for ensuring that the dog receives proper care and attention and adequate exercise.

The Animals Protection Act 1960 provides for wide ranging powers - both for the Courts and for Inspectors.

These include -

- the power for Inspectors to enter any vehicle, aircraft, or vessel, or any land or premises to inspect any animal where he or she is satisfied on reasonable grounds that an offence is being or has been committed;
- the power for Inspectors to enter vehicles and property to feed and water an animal;
- the power for the Police to detain a vehicle where an offender is arrested for an offence against the Animals Protection Act 1960;
- the power to destroy an animal that is suffering;
- the Court may order reparation for damage;
- an offender may be disqualified by the Court from owning an animal;
- the Court may order the forfeiture of an animal that is the subject of a charge.

By moving specific offences relating to dogs from the Animals Protection Act 1960 to the Dog Control and Hydatids Act 1984 those powers would have been lost in relation to offences involving dogs. To rectify this the Animals Protection Act 1960 (section 8A was amended so that section 53 of the Dog Control and Hydatids Act 1984 is deemed to be part of the Animals Protection Act 1960 for the purposes of those powers.

This means, for instance, that the owner of a dog can be disqualified from owning a dog where he or she is convicted of an offence of failing to exercise the dog and has a previous conviction for that or any other offence of neglect or ill-treatment.

The Animals Protection Act 1960 is due to be replaced by a new Act - the Animal Welfare Act. Policy for the Bill has been approved by Cabinet but it has not been afforded priority this Parliamentary Session. The Bill may be introduced in 1995.

It is understood that the Local Government Association has advised the Ministry of Agriculture and Fisheries that in their opinion there is no need to continue to link the new Animal Welfare Act with the Dog Control and Hydatids Act 1984.

Unless this policy is reversed the omission of the cross-reference from the proposed Animal Welfare Bill will mean that all the powers currently applying to section 53 of the Dog Control and Hydatids Act 1984 will be lost.

7. **LINKING THE DOG CONTROL AND HYDATIDS ACT 1984 TO THE ANIMALS PROTECTION ACT 1960** (Cont'd)

RECOMMENDATION

1. That the information be received.
2. That Waitakere City requests the Minister of Agriculture and Fisheries, that the powers currently applied to the Dog Control and Hydatids Act 1984 through section 8A of the Animals Protection Act 1960 be continued when the Animal Welfare Act is being drafted, and that the Local Government Association be requested to make similar representations on this issue.

Report prepared by T.S. Didovich, Animal Welfare Manager

8. **WARRANTS OF APPOINTMENT**

There has been a recent new appointment made within the Building Control Section. To ensure the appropriate authority to act and ability to enter land it is necessary this officer is formally empowered and issued with a warrant of appointment.

Council's Noise Control contract, recently retendered, has been just awarded to Henderson Securities Ltd. To enable the implementation of the contract, necessary Warrants of Appointment need to be issued. A list of names and an appropriate recommendation will be circulated to the Committee.

RECOMMENDATION

1. That the information be received.
2. That Robert Ian John Butler be appointed Enforcement Officer pursuant to Section 34 of the Resource Management Act 1991 and pursuant to Sections 77 and 78 of the Building Act 1991 and that the necessary Warrant of Appointment be issued.

Report prepared by A.W. Higgins, Executive Officer, Regulatory Services

9. **REPORT OF HEARINGS SPECIAL COMMITTEE - AUGUST 1994**

The Hearings Special Committee met on the 5 August, 10 August, 18 August, 23 August and 25 August 1994.

5 August 1994

(a) **Application for Special Licence - Waitakere City Raiders Ltd, 190 Lincoln Road, Henderson**

Consent was granted to an application by Waitakere City Raiders Ltd for a special licence for events held on the 7th, 14th, 21st and 28th August 1994.

(b) **Application for Consent - A. Bradnock, 3017 Great North Road, New Lynn**

Consent was granted to an application by A. Bradnock to locate an aeroplane on the roof of an existing building for signage purposes.

6. **UPLIFTING OF DESIGNATIONS**

Requirement 34

3374/94

MOVED by Cr Phipps, seconded by Cr Kearney:

1. That the information be received.
2. That the District Plan Map G9 be amended to reflect the change.

CARRIED

7. **LINKING THE DOG CONTROL AND HYDATIDS ACT 1984 TO THE ANIMALS PROTECTION ACT 1960**

Mr Neil Wells, advisor on Animal Welfare issues, addressed the Committee on progress of Animal legislation.

3375/94

MOVED by Cr Neeson, seconded by Cr Phipps:

1. That the information be received.
2. That Waitakere City requests the Minister of Agriculture and Fisheries, that the powers currently applied to the Dog Control and Hydatids Act 1984 through section 8A of the Animals Protection Act 1960 be continued when the Animal Welfare Act is being drafted, and that the Local Government Association be requested to make similar representations on this issue.

CARRIED

8. **WARRANTS OF APPOINTMENT**

3376/94

MOVED by Cr Kearney, seconded by Cr Neeson:

1. That the information be received.
2. That Robert Ian John Butler be appointed Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991 and pursuant to Sections 77 and 78 of the Building Act 1991 and that the necessary Warrant of Appointment be issued.
3. That the following officers be appointed Enforcement Officers (Noise Control) pursuant to Section 38(2) of the Resource Management Act and the appropriate Warrants of Appointment be issued.

BEDWELL, Nigel
BROWN, Garry
COPE, James
DAVENPORT, Maxwell

2/36 Harlston Road, Mt Albert
172 Solar Road, Glen Eden
6 Dundas Place, Henderson
18 Grassmere Road, Henderson