



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Regulatory Compliance Committee Meeting

Tuesday, 20 October 2020

Time: 1.00 pm
Location: Council Chamber
Memorial Avenue
Kaikohe

Membership:

Cr Kelly Stratford - Chairperson
Cr Dave Collard – Deputy Chairperson
Mayor John Carter
Deputy Mayor Ann Court
Cr David Clendon
Cr Rachel Smith
Cr John Vujcich
Member Belinda Ward - Bay of Islands-Whangaroa Community Board Chair
Member Adele Gardner – Te Hiku Community Board Chair

	Authorising Body	Mayor/Council
	Status	Standing Committee
COUNCIL COMMITTEE	Title	Regulatory Compliance Committee Terms of Reference
	Approval Date	19 December 2019
	Responsible Officer	Chief Executive

Purpose

The purpose of the Regulatory Compliance Committee (the Committee) is to implement and monitor regulatory compliance and statutory matters on behalf of the Governing Body. The Committee will conduct hearings (except those under the *Resource Management Act 1991*) and undertake any functions as requested or delegated by Council from time to time provided the functions conform to the *Local Government Act 2002*.

The Committee will have functional responsibility for the following aspects:

- Hearings (excluding RMA and DLC)
- Regulatory activities
- Regulatory policies and bylaws
- Regulatory compliance
- Mana Whakahono

To perform his or her role effectively, each Committee member must develop and maintain his or her skills and knowledge, including an understanding of the Committee's responsibilities and key legislation.

Delegations

The Regulatory Compliance Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers. In exercising the delegated powers, the Regulatory Compliance Committee will operate within:

- policies, plans, standards or guidelines that have been established and approved by Council;
- the overall priorities of Council;
- the needs of the local communities; and
- the approved budgets for the activity.

Power to Delegate

The Regulatory Compliance Committee may not delegate any of its responsibilities, duties or powers.

Membership

The Council will determine the membership of the Regulatory Compliance Committee.

The Regulatory Compliance Committee will comprise of at least six elected members (one of which will be the chairperson).

When the Regulatory Compliance Committee is meeting as a Hearing Committee, the Chairperson and a majority of the Committee members must be accredited commissioners under the relevant Act.

When the Regulatory Compliance Committee is meeting as a Hearing Committee, the Chairperson shall hold the 'chair certification' as per the Act.

The Committee membership for each hearing shall be appointed by the Chairperson of the

Regulatory Compliance Committee together with the Chief Executive and will normally comprise the core Regulatory Compliance Committee members.

The Regulatory Compliance Committee will comprise of at least six elected members (one of which will be the chairperson).

Mayor John Carter

Kelly Stratford – Chairperson

Dave Collard – Deputy Chairperson

John Vujcich

Rachel Smith

David Clendon

Deputy Mayor Ann Court

Belinda Ward – Bay of Islands-Whangaroa Community Board Chair

Adele Gardner – Te Hiku Community Board Chair

Non-appointed councillors may attend Regulatory Compliance Committee (but not Hearings) with speaking rights, but not voting rights.

Quorum - Committee

The quorum at a meeting of the Regulatory Compliance Committee is 4 members.

Frequency of Meetings

The Regulatory Compliance Committee shall meet every 6 weeks but may be cancelled if there is no business.

Committees Responsibilities

The Committees responsibilities are described below:

Hearings, Objections and Appeals

- Conduct hearings, as delegated by Council, in accordance with the relevant legislative and policy requirements (excluding Resource Management Act and District Licensing)
- Approve and monitor Council's list of hearing Commissioners for Resource Management Act and District Licensing hearings.

Regulatory Activities

- Assess and provide advice to Council on level of service and policy issues relating to:
 - regulatory matters; and
 - provision of services
- Reviewing and making recommendations to the Chief Executive in respect to functions and activities within the purpose of the Committee regarding codes of practice.

Policies and Bylaws

- Recommend the development and review of Council's regulatory policies and district bylaws
- Make a recommendation where in a bylaw the Council has specified that a matter be regulated, controlled or prohibited by the Council by resolution (eg dog areas under the dog control bylaw, speed limits)

Compliance

- Ensure that Council's planning and regulatory functions comply with legislative requirements and Council policy and processes
- Monitor operational functions comply with legislative requirements and Council policy
 - BCA (building consents)
 - RMA (resource consents)
- Ensure that consents associated with Council's infrastructure are being met and renewals are planned for
- Receive traffic light reports on regulatory compliance (policy, plans, functions and bylaws) such as:
 - District Plan (when proposed)
 - Building Act
 - Resource Management Act
 - Licences (various acts)
 - Animal management

Mana Whakahono-ā-Rohe (Mana Whakahono)

Monitor regulatory matters arising from Mana Whakahono under the Resource Management Act 1991. The committee seeks to foster and encourage participation and engagement with constituents.

HEARINGS, OBJECTIONS AND APPEALS**Regulatory Compliance Committee, meeting as a Hearing Committee**

The Regulatory Committee, when meeting as a Hearing Committee, shall be delegated authority to hear and determine matters as follows:

Public Works Act 1981

Public work requirements.

Local Government Act 2002

Objections against the construction of public works on private land.

Local Government Act 1974

Objections and appeals to road stopping proposals.

Fencing of Swimming Pools Act 1987

Applications for exemption, waiver or compliance.

Delegated decisions

- Requests for review or objections to delegated decisions by the Committee and/or delegated officers.
- Appeals against decisions made by officials acting under delegated authority in accordance with approved Council Policy.

Dog Control Act 1996

Objections.

Gambling Act 2003, Health Act 1956 and Building Act 2004

Hearings, objections and related matters.

And any other such matters as required under the legislation (but not Resource Management Act or the Supply and Sale of Alcohol Act for matters outside the district licensing committee).

Rules and Procedures

Council's Standing Orders and Code of Conduct apply to all the committee's meetings.

Annual reporting

The Chair of the Committee will submit a written report to the Chief Executive on an annual basis. The review will summarise the activities of the Committee and how it has contributed to the Council's governance and strategic objectives. The Chief Executive will place the report on the next available agenda of the governing body.

REGULATORY COMPLIANCE COMMITTEE - MEMBERS REGISTER OF INTERESTS

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Hon John Carter QSO	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
Kelly Stratford (Chair)	KS Bookkeeping and Administration	Business Owner, provides book keeping, administration and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis
	Bay of Islands College	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Karetu School	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Māori title land – Moerewa and Waikare	Beneficiary and husband is a shareholder	None perceived	If there was a conflict, I will step aside from decision making
	Sister is employed by Far North District Council			Will not discuss work/governance matters that are confidential
	Gifts - food and beverages	Residents and ratepayers may 'shout' food and beverage	Perceived bias or predetermination	Case by case basis
Kelly Stratford - Partner	Chef and Barista	Opua Store	None perceived	
	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest I would step aside from decision making
David Collard (Deputy Chair)	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
David Clendon	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
David Clendon – Partner	Resident Shareholder on Kerikeri Irrigation			
Deputy Mayor Ann Court	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	Top Energy	Supplies my power		No other interest greater than the public
	District Licensing	N/A	N/A	N/A
	Top Energy Consumer Trust	Trustee	Crossover in regulatory functions, consenting economic development and contracts such as street lighting.	Declare interest and abstain from voting.
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.
	Properties on Onekura Road, Waipapa	Owner Shareholder	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Property on Daroux Dr, Waipapa	Financial interest	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Flowers and gifts	Ratepayer 'Thankyou'	Bias/Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
	Staff	N/A	Suggestion of not being impartial or pre-determined!	Be professional, due diligence, weigh the evidence. Be thorough, thoughtful, considered impartial and balanced. Be fair.
	Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Ann Court - Partner	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arm's length rules
	Property on Onekura Road, Waipapa	Owner	Any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	Would not submit. Rest on a case by case basis.
Rachel Smith	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
Rachel Smith (Partner)	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		
John Vujcich	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company services	Declare interest and abstain
	Director	Kaikohe (Rau Marama) Community Trust	Potential funder	Declare interest and abstain
	Partner	MJ & EMJ Vujcich	Matters where council regulatory function impacts on partnership owned assets	Declare interest and abstain
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain
	Member	New Zealand Institute of Directors	Potential provider of training to Council	Declare a Conflict of Interest
	Member	Institute of IT Professionals	Unlikely, but possible provider of services to Council	Declare a Conflict of Interest

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Belinda Ward	Ward Jarvis Family Trust	Trustee		
	Kenneth Jarvis Family Trust	Trustee		
	Residence in Watea			
Belinda Ward (Partner)	Ward Jarvis Family Trust	Trustee and beneficiary		
	Kenneth Jarvis Family Trust	Trustee and beneficiary		
	Residence in Watea	Trustee		
Adele Gardner	N/A - FNDC Honorarium			
	The Far North 20/20, ICT Trust	Trustee		
	Te Ahu Charitable Trust	Trustee		
	ST Johns Kaitia Branch	Trustee/ Committee Member		
	I know many FNDC staff members as I was an FNDC staff member from 1994-2008.			
Partner of Adele Gardner	N/A as Retired			

Far North District Council
Regulatory Compliance Committee Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Tuesday 20 October 2020 at 1.00 pm

Order Of Business

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1 KARAKIA TIMATANGA – OPENING PRAYER**2 APOLOGIES AND DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Team Leader Democracy Support (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3 DEPUTATION

- Leonie Exel and witness Jo Tucker (Dog Trainer) on behalf of Dog Owner Pamela Ann Backhouse-Smith

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A2968376

Author: Marlema Baker, Meetings Administrator

Authoriser: Aisha Huriwai, Team Leader Democracy Services

PURPOSE OF THE REPORT

The minutes of the previous Regulatory Compliance Committee meeting are attached to allow the Committee to confirm that the minutes are a true and correct record.

RECOMMENDATION

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 8 September 2020 are a true and correct record.

1) BACKGROUND

Local Government Act 2002 Schedule 7 clause 28 states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

2) DISCUSSION AND OPTIONS

The minutes of the meeting are attached. Far North District Council Standing Orders Section 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

Reason for the recommendation

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meeting.

3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision as a result of this report.

ATTACHMENTS

- 1. 2020-09-08 Regulatory Compliance Meeting Minutes - A2952131** [↓](#) 

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This is a matter of low significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications on Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	This report is asking for the minutes to be confirmed as true and correct record, any interests that affect other people should be considered as part of the individual reports.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

**MINUTES OF FAR NORTH DISTRICT COUNCIL
REGULATORY COMPLIANCE COMMITTEE MEETING
HELD VIRTUALLY VIA MICROSOFT TEAMS
ON TUESDAY, 8 SEPTEMBER 2020 AT 1.00 PM**

PRESENT: Cr Kelly Stratford, Mayor John Carter (HWTM), Cr David Clendon, Deputy Mayor Ann Court, Cr Rachel Smith, Cr John Vujcich, Bay of Islands-Whangaroa Community Board Belinda Ward, Member Adele Gardner

IN ATTENDANCE:

STAFF PRESENT: Dr Dean Myburgh, Marlema Baker, Aisha Huriwai, Aliesha Vaka, Casey Gannon, Michael Boyd, Richard Edmondson, Rochelle Dean, Trent Blakeman.

1 KARAKIA TIMATANGA – OPENING PRAYER

Chair Stratford declared the meeting open and commenced with a karakia timatanga/opening prayer.

2 APOLOGIES AND DECLARATIONS OF INTEREST

COMMITTEE RESOLUTION 2020/10

Moved: Cr Kelly Stratford

Seconded: Cr Rachel Smith

That apologies from Cr Dave Collard be received and accepted.

In Favour: Crs Kelly Stratford, John Carter, David Clendon, Ann Court, Rachel Smith, John Vujcich, Belinda Ward and Adele Gardner

Against: Nil

CARRIED

3 DEPUTATION

No deputations received for this meeting.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A2942229, pages 14 - 15 refers

COMMITTEE RESOLUTION 2020/11

Moved: Member Adele Gardner

Seconded: Cr Rachel Smith

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 30 July 2020 are a true and correct record.

In Favour: Crs Kelly Stratford, John Carter, David Clendon, Ann Court, Rachel Smith, John Vujcich, Belinda Ward and Adele Gardner

Against: Nil

CARRIED

5 INFORMATION REPORTS

5.1 BUILDING COMPLIANCE UPDATE REPORT

Agenda item 5.1 document number A2941666, pages 20 - 22 refers

COMMITTEE RESOLUTION 2020/12

Moved: Cr Kelly Stratford

Seconded: Mayor John Carter

That the Regulatory Compliance Committee receive the report Building Compliance Update Report.

In Favour: Crs Kelly Stratford, John Carter, David Clendon, Ann Court, Rachel Smith, John Vujcich, Belinda Ward and Adele Gardner

Against: Nil

CARRIED

5.2 ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2019/2020

Agenda item 5.2 document number A2940064, pages 23 - 26 refers

COMMITTEE RESOLUTION 2020/13

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That the Regulatory Compliance Committee receives the Annual Report on Dog Control Policy and Practices 2019/2020.

In Favour: Crs Kelly Stratford, John Carter, David Clendon, Ann Court, Rachel Smith, John Vujcich, Belinda Ward and Adele Gardner

Against: Nil

CARRIED

5.3 UPDATE REPORT: COUNCIL ANIMAL SHELTER PROJECTS

Agenda item 5.3 document number A2940730, pages 34 - 38 refers

COMMITTEE RESOLUTION 2020/14

Moved: Member Adele Gardner

Seconded: Cr Rachel Smith

That the Regulatory Compliance Committee receive the report Animal Shelter Projects Update.

In Favour: Crs Kelly Stratford, John Carter, David Clendon, Ann Court, Rachel Smith, John Vujcich, Belinda Ward and Adele Gardner

Against: Nil

CARRIED

6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

Chair Stratford closed the meeting with a karakia whakamutunga/closing prayer.

7 MEETING CLOSE

The meeting closed at 2:15pm.

The minutes of this meeting will be confirmed at the Regulatory Compliance Committee Meeting held on 20 October 2020.

.....
CHAIRPERSON

5 REPORTS

5.1 UPDATE REPORT: ENVIRONMENTAL SERVICES MONITORING AND COMPLIANCE

File Number: A2965291

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

To provide an update to the committee on:

- The Monitoring of Resource Consent Conditions
- District Plan Breaches

EXECUTIVE SUMMARY

Under the Resource Management Act 1991 (RMA), local authorities are responsible for monitoring to ensure activities meet requirements under the RMA, plan rules and resource consents.

Monitoring provides a feedback mechanism for FNDC that tests the efficiency and effectiveness of planning processes and provides a quality control mechanism.

The RMA does not prescribe how councils should carry out this function - councils have discretion to determine how to achieve compliance in their respective areas.

FNDC use compliance promotion (such as education, on-site directions and awareness-raising) as the preferred method for encouraging compliance. When necessary, FNDC can use formal enforcement action to discourage and penalise non-compliance and direct remediation of the damage.

RECOMMENDATION

That the Regulatory Compliance Committee receive the report Update Report: Environmental Services Monitoring and Compliance.

BACKGROUND

The FNDC Compliance and Monitoring team helps to ensure the protection and enhancement of our district environments.

We achieve this through education, monitoring and enforcement of resource consent conditions, and compliance with the District Plan and Resource Management Act 1991.

The team's functions include:

- monitoring and enforcing land-use resource consent conditions
- monitoring compliance with the requirements of the FNDC District Plan
- monitoring compliance with the Resource Management Act 1991 (RMA)
- responding to and investigating District Plan related and resource consent related complaints
- working with site owners and the general public as to their obligations under the District Plan and/or resource consent

When a resource consent is granted it may be subject to specific conditions. These can be wide-ranging and cover many aspects. Council's Monitoring Officers check that all the conditions

outlined in resource consents are complied with throughout the development and for the life of the consent. Some typical conditions relate to:

- building and structure site location
- car parking layout
- landscaping requirements
- hours and conditions of operation

There is a range of non-compliance activities requiring investigation. Some of the more common ones include:

- Non-complying home-based activities in which the subject site is located.
- signage on private land
- setback infringements
- noncomplying earthworks

Enforcement action can be taken in cases of non-compliance with the Resource Management Act, a resource consent condition, or a District Plan rule.

There are several enforcement options available to Council. The decision about which option to use is based on:

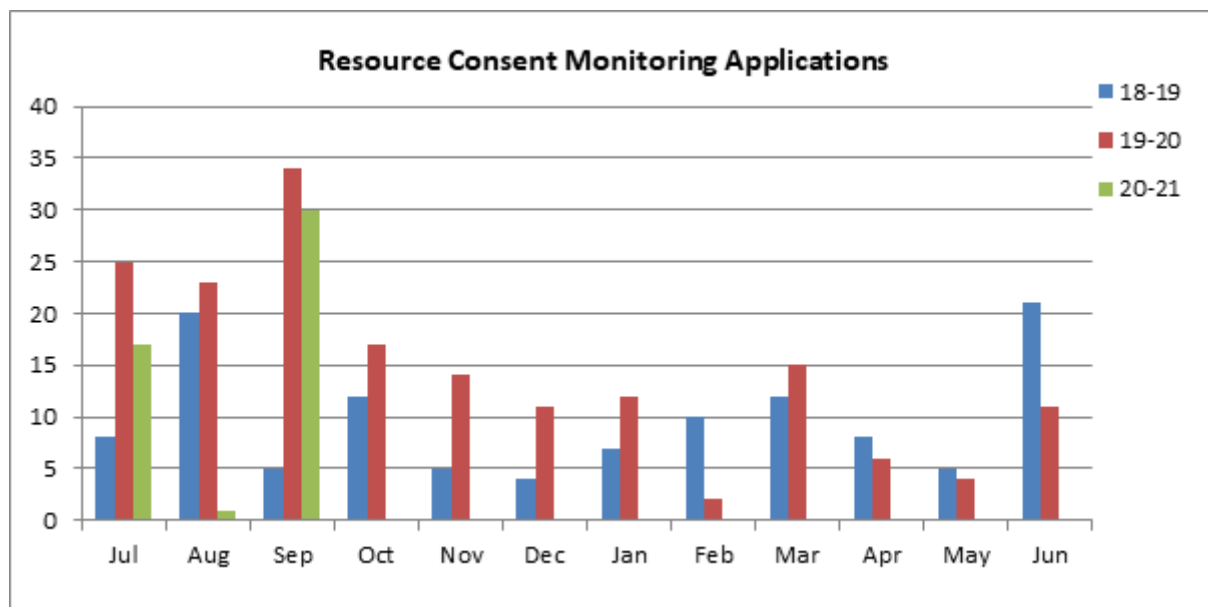
- the nature and scale of the non-compliance
- effects generated
- perceived level of deterrence required

DISCUSSION AND NEXT STEPS

Resource Consent Monitoring

Councils have the discretion to determine what resource consents to monitor and how often. Not all Resource Consents (RC) are issued with conditions that require monitoring.

The graph below shows total Resource Consents Monitored (RCM) over the past two financial years and current year to date.



- The position of Resource Consent Monitoring officer was transitioned into the Monitoring team from the Resource Consents team as a result of the 'Fundamental Review' restructure in 2018. This move triggered a complete review of how many consents were outstanding and what practices and procedures were in place for monitoring them.

- At the time this revealed a back log of approximately 1600 un-monitored Resource Consents. This backlog was caused by Resource Consents being issued whilst not having enough resources available to monitor them efficiently in the past. Consequently, an extra fixed term position was approved to assist in reducing the backlog. Great progress has been made to date reducing this figure to 629, (as at 30 September 2020).
- There have been several changes in both the full time and fixed term monitoring roles over the past two years. These changes as well as being unable to monitor during the covid-19 period have resulted in delays in reducing the backlog and in addressing new Resource Consents.

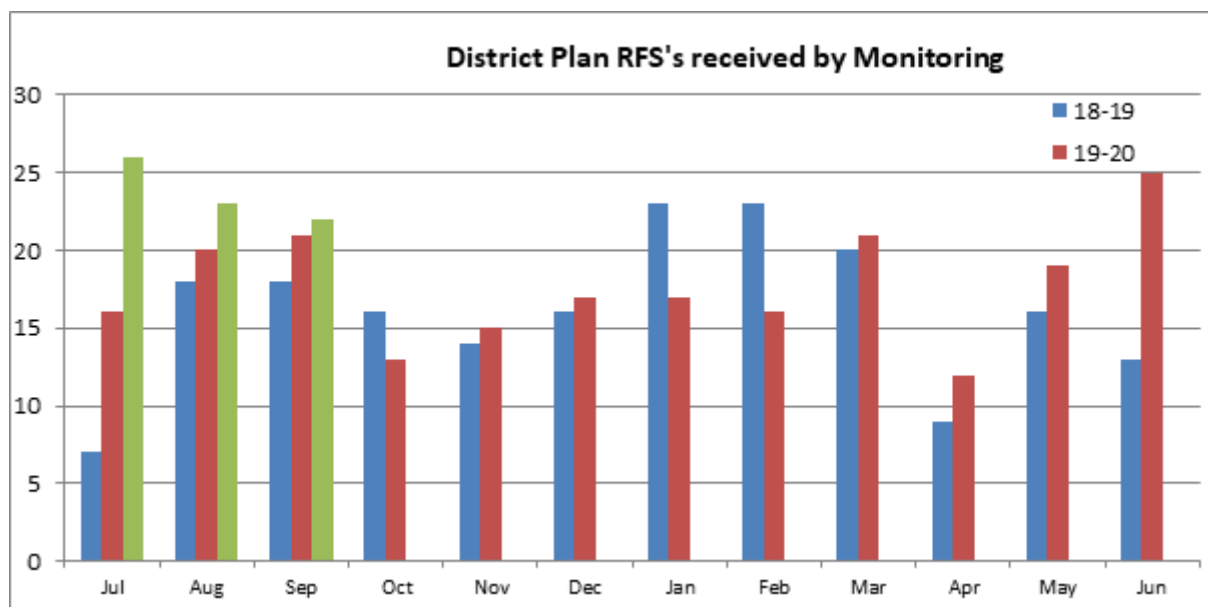
Improvements

- There is currently a review of the Monitoring of Resource Consent process taking place. Three obvious areas for business improvements are the use of digital technology for site inspections; removing the requirement to lodge a Monitored RC application in Pathways; and writing clearer conditions.
- The Monitoring Officers are currently trialling digital tablets that allow data, reports and photographs to be automatically downloaded into Objective, saving administration time in the office. As this is a new area of technology there are still some challenges to overcome but new version of Objective being rolled out will be positive.
- The process for lodging Resource Consents requiring monitoring is currently under review. This new process will remove the need for Monitoring RC lodgement into pathway, stopping the double handling, maintain one unique RC reference number, and free up time for the Monitoring Officer's to be in the field and addressing the backlog.
- The Monitoring Officers have also been working with the Resource Consents team to ensure that conditions are written in such a manner that they can be easily enforced. An example would be putting a timescale on when a condition must be met such as 'within six months of the date of issue'.

District Plan RFSs

The Monitoring and Compliance team investigates breaches of the District Plan.

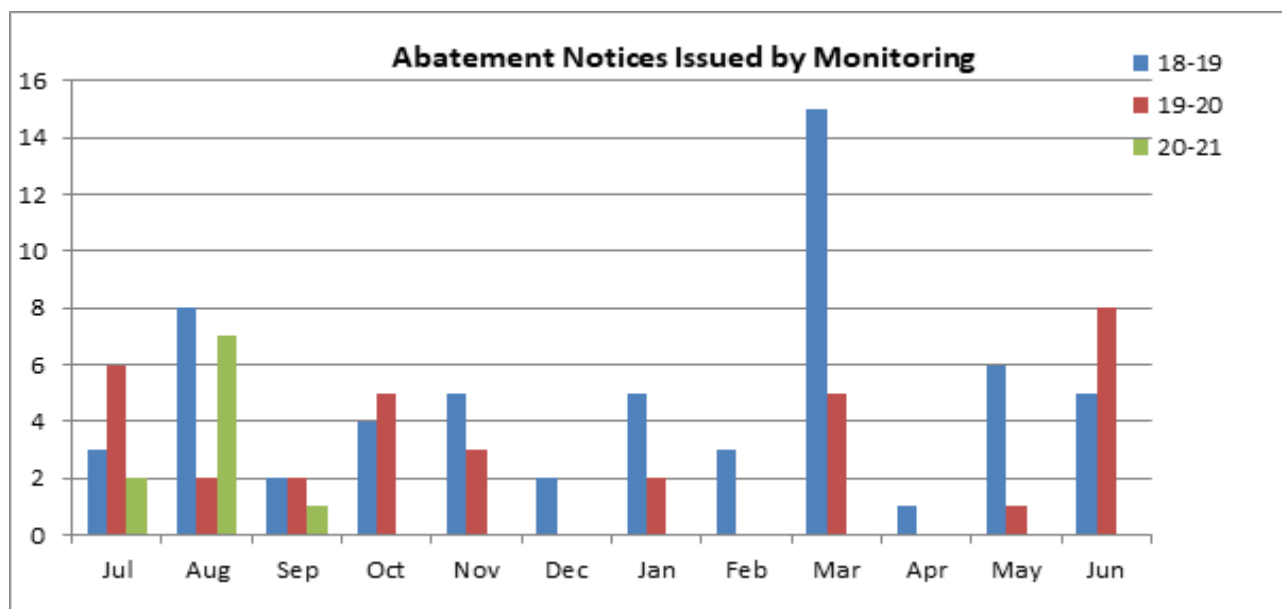
The graph below shows the number of RFS's received for potential District Plan breaches for the last two financial years and the current year. District Plan RFSs have increased, which may reflect the increasing population of the District.



A rule breach equates to a breach of section 9 of the RMA. Compliance can be gained through advice, letters, abatement notices, infringements and prosecution. The Monitoring team's policy is to promote voluntary compliance with the District Plan, however there have been times during an investigation where it becomes necessary to escalate our enforcement process, as directed by the VADE model (pictured below).



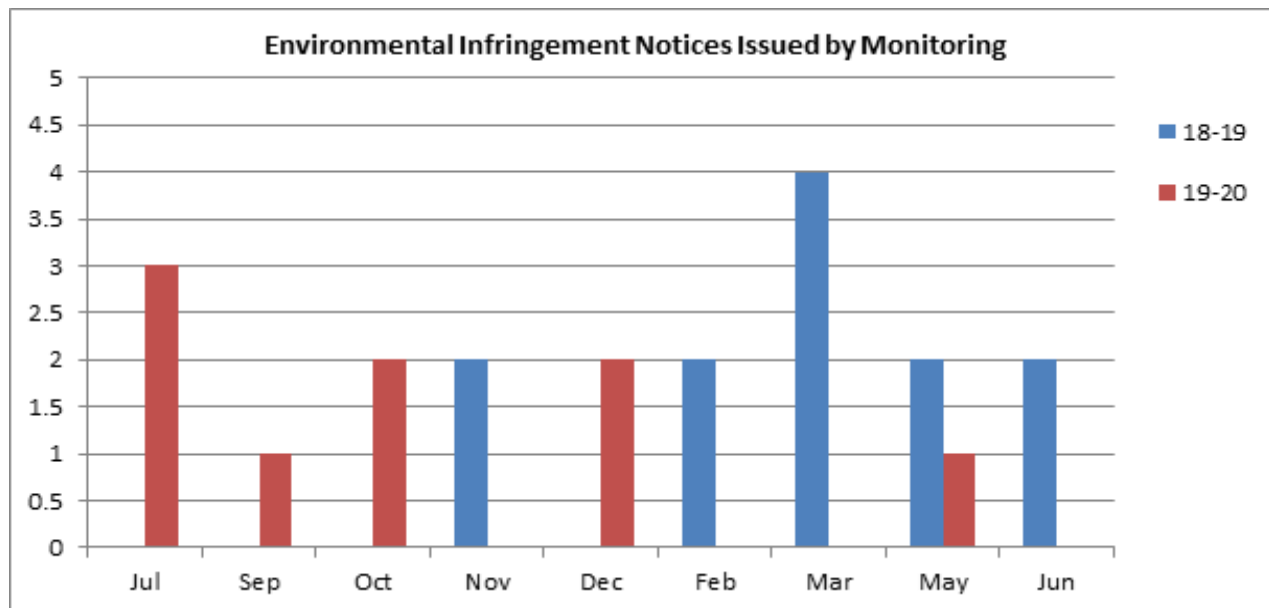
The RMA allows a warranted monitoring officer to issue an abatement notice to direct an offender to do something or cease something that is causing a breach of the RMA. Usually this means ceasing a breach of a rule in the District Plan. Abatement notices can also be issued for failing to comply with a condition in a resource consent. The graph below shows how many abatement notices have been issued by the Monitoring team from 2018 to present.



Abatement notices are issued with a specific date by which the offender must comply. If an offender has not complied with an abatement notice and is not showing a willingness to cooperate with council

an Environmental Infringement Notice (EIN) of \$750 can be issued. The graph below shows how many EIN's have been issued by the monitoring team from 2018 to present.

No EINs have been issued so far in 2020. This is partly due to Covid and partly due to the level of gaining compliance without having to infringe.



FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial or other resource implications regarding this report.

ATTACHMENTS

Nil

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation

to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low Significance – this matter does not meet the criteria/threshold for a matter of significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Resource Management Act 1991 FNDC District Plan Local Government Act 2002 FNDC Bylaws LTP Community Outcomes: Communities that are healthy, safe, connected and sustainable. A wisely managed and treasure environment that recognises the special role of tangata whenua as kaitiaki.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District Wide Significance
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	No specific implications
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Information report only
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

5.2 BCA REGULATORY COMPLIANCE UPDATE

File Number: A2966768

Author: Trent Blakeman, Manager - Building Services

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

To provide the Regulatory Compliance Committee with an update on the current state of the Building Consents Authority's compliance with the statutory time frames relating to compliance with the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations).

EXECUTIVE SUMMARY

The Building Consents Authority (BCA) has returned to the office under level two and one (COVID-19) and this has resulted in a return to 100% compliance with the 20-day timeframe for both Building Consents (BCs) and Code of Compliance Certificates (CCC's).

For the first quarter of the new financial year a total of 358 Building Consents and 381 Code Compliance Certificates were issued. The BCA is currently conducting internal audits to prepare for the International Accreditation NZ (IANZ) October audit scheduled for 23-30 October 2020. These are progressing well, with only small adjustments required. An external contracted resource (previously engaged as Quality Manager for the 2019 audit) has been involved in on site pre-audits and will provide a final review of the BCA's audit readiness during the two weeks before the audit.

The Business Intelligence system (BI) is used to track timeframes relating to the processing of Building Consents and issuing of Code Compliance Certificates (CCC's). Extracts from the BI system will be presented as part of a presentation to update the Committee on the most up to date BCA performance/compliance metrics.

The new e-Pathway portal is in the final stages of testing and had a soft launch on the 1 October. This system will improve the customer experience in the long-term but it is anticipated that the change will require some adjustment on the part of users as they familiarise with the new system.

RECOMMENDATION

That the Regulatory Compliance Committee receive the report BCA Regulatory Compliance Update.

BACKGROUND

International Accreditation New Zealand (IANZ) has been appointed by the Ministry for Business, Innovation and Employment (MBIE) as the accreditation body that undertakes accreditation assessments against the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations). These requirements are further detailed in MBIE's regulatory guidance for Building Consent Authorities (BCA), and Accredited Organisations (AO) accredited under the Regulations.

One of the metrics used to measure the performance of the BCA function is its ability to perform certain tasks within a statutory time frame (20 days). This is one of the few metrics that can be measured without the need for audit. The timeframes relate to processing of Building Consents (BCs) and issue of Code Compliance Certificates (CCC's) are tracked using the Business Intelligence system (BI).

DISCUSSION AND NEXT STEPS

In the short-term, the focus of the BCA is to return to 100% on both BCs and CCCs as well as the roll out of the E-Pathway portal via online services.

The challenge for the medium-term is the completion of a positive IANZ audit and the return to a biennial audit period.

The long-term goal is the nurturing of a sound BCA competence base and putting in place of a capacity resourcing model that has depth and that will ensure that the BCA can consistently achieve the 20-day time frame; this while operating in compliance with the 2006 regulations and accommodating staff movements without negative impacts.

FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications attached to this report.

ATTACHMENTS

Nil

**5.3 OBJECTION TO THE CLASSIFICATION OF A DOG AS MENACING BY BREED/TYPE
(SECTION 33C OF THE DOG CONTROL ACT 1996)
DOG OWNER: PAMELA ANN BACKHOUSE-SMITH
DOG NAME: RICHARD**

File Number: A2976064

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

For the Committee to hear and determine the objection by Ms. Pamela Ann Backhouse-Smith of 18A State Highway One, R D 2, Kaikohe, or her representative, against the menacing classification issued against her dog 'Richard'.

EXECUTIVE SUMMARY

1. The Dog Control Act 1996, section 33C, does state that a territorial authority must classify as menacing any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to one or more breeds or types listed in Schedule 4 of that Act.
2. A dog may be classified as menacing if it applies to this section.
3. If a dog is classified as a menacing dog under section 33C, the owner of the dog:
 - (a) must not allow the dog to be at large or in any public place, or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying:
 - (i) That the dog is or has been neutered; or
 - (ii) That for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - (c) must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).
4. Ms Backhouse-Smith has made an objection to the classification pursuant to section 33D of the Dog Control Act 1996. Any objection must be supported by evidence that the dog is not of the breed listed in Schedule 4 Of the Dog Control Act 1996.
5. Section 33 D of the Dog Control Act 1996 gives the power to the territorial authority to consider the objection and either uphold or rescind the classification. In making its determination the territorial authority must have regard to:
 - a) The evidence which formed the basis for the classification; and
 - b) The matters relied on in support of the objection; and
 - c) Any other relevant matters.
6. The territorial authority must, as soon as practicable, give written notice to the owner of:
 - a) Its determination of the objection; and
 - b) The reasons for its determination.

7. The Animal Management department of the Far North District Council recommend upholding the decision to classify Ms Backhouse-Smiths' dog Richard as a menacing dog pursuant to s33C of the Dog Control Act 1996.

RECOMMENDATION

That the Regulatory and Compliance Committee:

- a) hear and determine the objection to the menacing dog classification by the owner Ms Pamela Ann Backhouse-Smith and/or her representative, pursuant to section 33C of Dog Control Act 1996**
- b) either;**
 - i) uphold the Animal Management department decision to classify Ms Pamela Ann Backhouse-Smith's dog 'Richard' as a menacing dog, or**
 - ii) rescind the classification of the dog 'Richard' as menacing.**

1) BACKGROUND

On 22 July 2019 at 1332 hrs a service request was logged through the Far North District Council Call Centre in relation to two dogs chasing stock on a property in Ohaeawai. It was reported that the dogs were described as one full tan dog and one black dog which were chasing the stock at the time the call was being made to Council. The request for service (RFS) number is 4964095 **(refer to Attachment A).**

Animal Management Officer's (AMO's) Robert Maslamani and Paparangi Pirini attended on the 22 July 2019 and seized two dogs from 22 State Highway One; Ohaeawai at 2.10pm that were identified as the two dogs chasing the stock. The dogs were described by the Officers as a black Beardie cross and a tan Pitbull cross. A seizure notice was left at the address **(refer to attachment B).**

Both dogs were impounded on the 22 July 2019 **(refer attachment C1 and C2).**

On 22 July 2019 at 3.25pm the owner of the black dog contacted council stating that he was advised his dog was collected from his address as someone said his dog was chasing cattle. He advised that his dog was harmless and wanted to get it out of the pound as soon as possible.

On the 23rd July 2019 the black Beardie cross dog was collected from the shelter by its owner and fees paid.

On the 29th July 2019 the impound record shows that the owner of the second dog, a tan Pitbull cross contacted Council.

The breed was noted as a Pitbull type dog. As the dog was not registered at the time of impounding, the registration fees were paid which in turn resulted in the owner and dog details being loaded into the Council Dog Register system. This in turn resulted in an automatic Menacing Classification for Breed being sent by Council administration staff.

The Menacing Classification was sent on the 12 August 2019 **(refer attachment D).**

In an email dated 29 August 2019, Ms Leonie Exel of BOI Watchdogs contacted Council objecting to the Classification on behalf of the dog owner Ms Pamela Ann Backhouse-Smith. **(refer attachment E).**

In an email dated 29 August 2019 June 2014, Pamela Ann Backhouse-Smith gave approval for Ms Leonie Exel to act on her behalf in relation to the objection **(refer attachment E).**

2) DISCUSSION AND OPTIONS

The Committee must

either:

- i) uphold the Animal Management department decision to classify Ms Pamela Ann Backhouse-Smith's dog 'Richard' as a menacing dog, or
- ii) rescind the classification of the dog 'Richard' as menacing.

Reason for the recommendation








Section 33 D of the Dog Control Act 1996 gives the power to the territorial authority to consider the objection and either uphold or rescind the classification. There are no financial Implications or budgetary provisions regarding this report.

3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

Section 33 D of the Dog Control Act 1996 gives the power to the territorial authority to consider the objection and either uphold or rescind the classification.

There are no financial Implications or budgetary provisions regarding this report.

ATTACHMENTS

1. Attachment A - RFS 3964095 - A2971419 [↓](#) 
2. Attachment B - Seizure Notice 3206 - A2971420 [↓](#) 
3. Attachment C1 - Impound 3901 - A2971421 [↓](#) 
4. Attachment C2 - Impound 3902 - A2971422 [↓](#) 
5. Attachment D - Menacing Classification - A2971424 [↓](#) 
6. Attachment E - Objection to classification of dog as menacing email - A2971425 [↓](#) 
7. Attachment F - Reference - American Pitbull Terrier Type - A2971426 [↓](#) 

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low Significance – this matter does not meet the criteria/threshold for a matter of significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Dog Control Act 1996 FNDC Dog Management Bylaw 2018 FNDC Dog Management Policy 2018 LTP Community Outcome: Communities that are healthy, safe, connected and sustainable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District Wide significance
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	No specific implications
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	FNDC Community (Dog Owners and Non-dog owners) Department of Internal Affairs
State the financial implications and where budgetary provisions have been made to support this decision.	No specific financial implications
Chief Financial Officer review.	The CFO has reviewed this report.



Request For Service

RFS Number: 3964095

RFS Number:	3964095	RFS type:	Lost or found dog
Received date:	22-July-2019 @ 15:23:30	Date due:	5-August-2019
Received by:	Leeara Maxwell	Actioning Officer:	Kahurangi Isaac
Contact type:	Phone	Priority:	2 (1=Urgent, 3=Normal)
LOCATION		CUSTOMER	
Location details:		Customer details:	
Property details:		Casual customer:	
Street / area:		Home Phone:	
		Business Phone:	
After Hours Code:		Mobile Phone:	

REQUEST DETAILS:

Date/Time: 23-Jul-2019 10:23:08

Officer: Kahurangi Isaac

Have you contacted the customer to advise the RFS is being closed off (Delete one)? Yes NFA

Notice Type/Number (also link): IMP 3901

Animal Reference (also link): 20190219

Action Taken: Release fees paid and dog released this morning receipt number 5648078 MC TBA closing

Date/Time: 23-Jul-2019 10:22:47

Officer: Kahurangi Isaac

Have you contacted the customer to acknowledge this request (Delete one)? Yes

Date and Promise: today

Summary of Issue: lost dog

Date/Time: 22-Jul-2019 15:40:21

Officer: Amber Anderton

nothing found in pathways for #22

Date/Time: 22-Jul-2019 15:39:49

Officer: Amber Anderton

please also see rfs

A new Customer Request has been lodged and you have been assigned as the Actioning Officer. Please check the Customer Services system for further information. RFSNo: 3964035 CnclCode: AMN Priority: 2

Property: RoadTownship: LocationComments:

CustomerName: Casual Active Customer **HomePhoneNo:** **BusinessPhoneNo:** **MobilePhoneNo:**

Notes: 22-Jul-2019 13:38:35 SOUTH

2 pig dogs are chasing stock at the above address and they are there now, has advised that this has been going on for sometime now.

has advised to see the dogs chasing the stock you need to drive into number 30 State Highway 1 and head towards the pipe gate look to the right and you should see the cows being chased. One dog is full Tan and the other is Black. Please investigate. Ranga Hohepa **Casual Customer Name:** **After Hours Reference:**

Date/Time: 22-Jul-2019 15:25:34

Officer: Leeara Maxwell

AMO SOUTH

Advised dog was collected from address as someone said dog was chasing cattle. Advised dog is harmless and wants to get dog out of pound asap.

Miscellaneous notes:

Date Completed: / /

Officer: _____

NOTICE TO OCCUPANT / DOG OWNER



Far North
District Council

Enquiries to: Far North District Council
Animal Management Unit
Memorial Ave, Kaitiaki
Ph: 0800 920029
www.fndc.govt.nz

Notice Number: 3206

The purpose of this notice is to advise that:

An Animal Management Officer has:

☐

entered

☒

entered and searched

the property at: on:

(Date) 22/07/19 (Start time) 2:10pm (End time) 2:20pm (Officer) 205/214

Mon Tue Wed Thu Fri Sat Sun

The alleged offence and/or reason for entry / search / seizure: (circle)

☐

Failing to provide proper and sufficient food, water or shelter - s15

☐

Failing to comply with Bylaws - s20

☐

Failing to comply with Dangerous Dog Classification - s32(5)

☐

Failing to comply with Menacing Dog Classification - s33EC

☒

Failing to register dog - s42

☐

Dog not confined on own property - s52A

☐

Dog not under control generally - s53(1)

☐

Dog attack - s57

☐

Dog rushing - s57A

☒

Other: Stock worrying

Persons on property:

☐

Yes

☒

No

Dog Owner:

☐

Yes

☒

No

Full Name: Ph #:

DOB: ☐ Female

☐ Male

Seizure occurred: ☒ Yes

☐ No

Dog description seized / sighted: (circle)

RFS: 3464035

Animal ID	Breed	Colour	Age	M/F
20190219	1st: <u>Beardie</u> X	1st: <u>Black</u>	3yrs	F
	2nd:	2nd: <u>Tan</u>		
20190220	1st: <u>Whitull</u> X	1st: <u>Tan</u>	0mths	M
	2nd:	2nd: <u>White</u>		

Other item description seized:

Officer Comments: Please contact Animal Management
in regards to your dogs. Thank You

Follow up required:

☒

Yes

☐

No

PLEASE SEE OVERLEAF FOR RELEASE INFORMATION

RELEASE INFORMATION

Note: Please contact Far North District Council Animal Management Unit within 7 days from the date overleaf to discuss the return of your dog/s.

Note: Failure to claim your dog/s within the 7 day period will result in the dog/s being disposed of in accordance with the Dog Control Act 1996. This may be by way of the dog being sold, destroyed, or otherwise disposed.

Note: Disposal of the dog may not exempt the owner from fees owing or from possible prosecution.

Note: Before any dog is released all fees owing must be paid in full.

Note: Before any dog is released an Animal Management Officer may request a property inspection.

POWER OF ENTRY

Section 14 of the Dog Control Act 1996 provides for power of entry of a dog control officer onto any land or premises. Where any dog control officer has good cause to believe that an offence against this Act or against any bylaw under this Act is being committed, or has been committed within the last 6 months, the officer, and all persons he or she calls to his or her assistance, may enter at any reasonable time onto the land or premises

- a) To inspect any dog for the time being appearing to be kept on the land or premises or to inspect the conditions in which any such dog is kept; and
- b) If authorised under any other provision of the Act, to seize or take custody of any dog on the land or premises.

**For the purposes of the Dog Control Act 1996, you are the owner of a dog if -*

- *you own the dog; or*
- *you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or*
- *you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you*

IMPORTANT

Section 36 of the Dog Control Act 1996 requires the owner of all dogs to register their dogs with the territorial authority in whose district the dog is ordinarily kept no later than the **1st day of July of every year**.

All dogs must be registered at **3 months of age**.

Section 42 of the Dog Control Act 1996 allows for an Infringement Notice to be issued for failing to register a dog, with a fee of **\$300 per Notice**. In addition this section allows a Dog Control Officer to **seize and impound** any unregistered dog.

DOG COLLECTION / IMPOUND RECORD

Far North
District CouncilNotice Number **3901**

DOG IDENTIFICATION:			
Microchip #			
Dog ID #	Reg. Tag #	Year	District
2090219			
DOG DESCRIPTION:			
Breed			
1st <i>Beardie</i> x	2nd <i>Hunterway</i>		
Sex (circle)	Colour	Age	
M M/Nt <input checked="" type="radio"/> F/Sp	1st <i>Black</i> 2nd <i>Tan</i>	<i>3y-5</i> M / <input checked="" type="radio"/>	
DOG CONDITION:			
<input checked="" type="radio"/> Healthy <input type="radio"/> Underweight <input type="radio"/> Injury <input type="radio"/> Skin Condition <input type="radio"/> Other			
Description:			
IMPOUND DETAILS:			
RFS #	Collection Time	Impound Time	Date
<i>3964035</i>	<i>2:10</i>	<i>3:10</i>	<i>22/07/19</i>
Pound Location (circle)	anyon Dog #	Pen #	Officer #
North <input checked="" type="radio"/> South	<i>37</i>		<i>205/214</i>
Day Of Week (circle)	<input checked="" type="radio"/> Mon <input type="radio"/> Tues <input type="radio"/> Wed <input type="radio"/> Thurs <input type="radio"/> Fri <input type="radio"/> Sat <input type="radio"/> Sun		
Location			
Reason			
<input checked="" type="radio"/> Seized (Notice # <i>3206</i>) <input type="radio"/> Straying Public Property <input type="radio"/> Stray Handed to AM			
<input type="radio"/> Own Dog Handed to AM <input type="radio"/> Caught in Trap <input type="radio"/> Police			
<input type="radio"/> SPCA <input type="radio"/> Other			
<i>stock worrying</i>			
Other Information		Check List	
<input type="radio"/> Dog with Collar / Chain <input type="radio"/> Vet Required <input type="radio"/> SPCA Required <input type="radio"/> Owner NOT known		<input checked="" type="radio"/> Photo Taken <input checked="" type="radio"/> Scanned for microchip <i>no M/C</i> <input type="radio"/> Parvo test (under 6 months) <input checked="" type="radio"/> JPG photo emailed to admin	
<input checked="" type="radio"/> Can Be Released / Adopted (pending assessment)		<input type="radio"/> Not To Be Released	

SEE REVERSE SIDE FOR RELEASE INFORMATION

DOG RELEASE INFORMATION

Microchip Sticker

Notice Number: **3901****OUTCOME:**☐ Returned to Owner.☒ Euthanasia☐ Adoption☒ Claimed by Owner

Same Day Returned to Owner Details when dog is NOT put into pound
 NOTE: NTR must be issued if not registered

Current Tag #:
 or
 NTR #:

Name of Person Receiving Dog:

Location Dog Returned to:

Phone #:

Signature:

Date: / /

Time: am / pm

Adoption or Claimed (circle)

Name

Phone #

Address

District

Fees

Registration

\$ 45.00
\$ 12

Microchip

\$ 30

Impounding

\$ 67

Vet

\$

Daily Handling

\$

No Charge (tick)

Total \$ 137.00

Date: 23/07/19

Tag #: 03430

Receipt #: 5648078

Euthanasia Details please attach completed documents☐ Not suitable for adoption☐ Surrendered☐ Welfare

(Suitability Test)

(Consent Agreement)

(Vet Report)

Vet Clinic

Vet Signature / Stamp

Date: / /

Time: am / pm

Officer 1

Officer 2

Officer Notes





Far North
District Council

DOG IMPOUNDING DAILY OBSERVATION SHEET

DOG IDENTIFICATION:

Individual Dog Impound Tag #	Impound Record Sheet #	RPS #
37	3901	3964035
Breed		
1st <i>Beardie</i>	x	2nd <i>Hunterway</i>
Sex (circle) M <input type="radio"/> M/Int <input checked="" type="radio"/> F/Sp <input type="radio"/>	Colour 1st <i>Black</i>	2nd <i>Tan</i> Age <i>3yrs</i>

DAILY OBSERVATIONS:

H - Normal behaviour patterns / Nil welfare issues
 O - Observed changes in behaviour / welfare issues (see comments)
 M - Medication program (see comments)
 V - Veterinarian attention required - (see comments)
 E - Exercise has been given to the dog - (see comments)

Date	Officer #	Body Score #	Comments (Note: - Comments should reflect any noticeable changes to the dog - example: changes to diet or behaviour or if an injury was sustained or any other observations the Officer deems relevant to record.) See Entry Example below	H - Healthy	O - Observation	M - Medication	V - Vet	E - Exercise
13/10/22	007	4	The dog has no sign of any condition - could be slightly underfed. Puppy and dog roll will be fed to the dog and daily monitoring of condition.	H	O	M	V	E
22.7.19	205 214	4.	Fed.	<input checked="" type="radio"/> H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E

DOG COLLECTION / IMPOUND RECORD

Far North
District CouncilNotice Number: **3902**

DOG IDENTIFICATION:			
Microchip #	953010002793121		
Dog ID #	Reg. Tag #	Year	District
20190220			FNDC
DOG DESCRIPTION:			
Breed			
1st	Pit Bull x		2nd
Sex (circle)	Colour	Age	
<input checked="" type="radio"/> M M/Nt <input type="radio"/> F <input type="radio"/> F/Sp	1st Tan 2nd white	10 months	
DOG CONDITION:			
<input checked="" type="radio"/> Healthy <input type="radio"/> Underweight <input type="radio"/> Injury <input type="radio"/> Skin Condition <input type="radio"/> Other Description:			
IMPOUND DETAILS:			
RFS #	Collection Time	Impound Time	Date
3964035	am/pm 2:10	am/pm 3:10	22/07/19
Pound Location (circle)	Dog #	Pen #	Officer #
North <input checked="" type="radio"/> South	35	—	205/214
Day Of Week (circle)			
<input checked="" type="radio"/> Mon <input type="radio"/> Tues <input type="radio"/> Wed <input type="radio"/> Thurs <input type="radio"/> Fri <input type="radio"/> Sat <input type="radio"/> Sun			
Location			
Reason			
<input checked="" type="radio"/> Seized (Notice # 3206) <input type="radio"/> Straying Public Property <input type="radio"/> Stray Handed to AM <input type="radio"/> Own Dog Handed to AM <input type="radio"/> Caught in Trap <input type="radio"/> Police <input type="radio"/> SPCA <input type="radio"/> Other			
Other Information		Check List	
<input type="radio"/> Dog with Collar / Chain <input type="radio"/> Vet Required <input type="radio"/> SPCA Required <input type="radio"/> Owner NOT known		<input checked="" type="radio"/> Photo Taken <input checked="" type="radio"/> Scanned for microchip No M/C <input type="radio"/> Parvo test (under 6 months) <input type="radio"/> JPG photo emailed to admin	
<input checked="" type="radio"/> Can Be Released / Adopted (pending assessment)		<input type="radio"/> Not To Be Released	

SEE REVERSE SIDE FOR RELEASE INFORMATION

DOG RELEASE INFORMATION

Microchip Sticker

Notice Number: **3902****OUTCOME:**☐ Returned to Owner.☐ Euthanasia☐ Adoption☒ Claimed by Owner

Same Day Returned to Owner Details when dog is NOT put into pound
 NOTE: NTR must be issued if not registered

Current Tag #:
 or
 NTR #:

Name of Person Receiving Dog:

Location Dog Returned to:

Phone #:

Signature:

Date: / /

Time: am / pm

Adoption or Claimed (circle)

Name

Phone #

Address

District **FNDX**

Fees

Registration

\$ **82**

Microchip

\$ **30**Total \$ **202.50**

Impounding

\$ **68.50**

Vet

\$

Date: **30/07/19**

Daily Handling

\$

No Charge (tick)

Tag #: **3593**Receipt #: **5555291****Euthanasia Details** please attach completed documents☐ Not suitable for adoption☐ Surrendered☐ Welfare

(Suitability Test)

(Consent Agreement)

(Vet Report)

Vet Clinic

Kiley

Vet Signature / Stamp

**BAY OF ISLANDS
 VETERINARY SERVICES
 KAWAKAWA**
Date: **30/8/19**Time: **9:25** am / pm

Officer 1

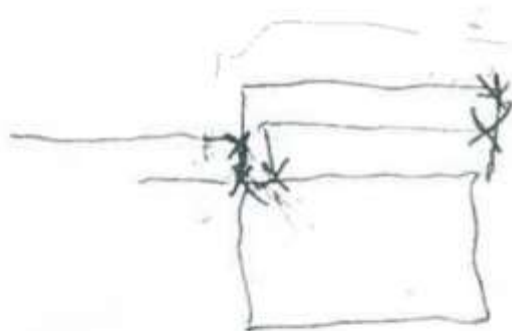
John Robinson

Officer 2

Officer Notes

27/8/19 Owner has come for dog have advised of fees just waiting to hear back from **DOG**







Far North
District Council

DOG IMPOUNDING DAILY OBSERVATION SHEET

DOG IDENTIFICATION:

Individual Dog Impound Tag #	Impound Record Sheet #	RFS #
35	3902	3964035
Breed		
1st Pit Bull	2nd X	
Sex (circle)	Colour	Age
<input checked="" type="radio"/> M <input type="radio"/> F <input type="radio"/> F/Sp	1st Tan 2nd White	10 mths

DAILY OBSERVATIONS:

H - Normal behaviour patterns / Nil welfare issues
 O - Observed changes in behaviour / welfare issues (see comments)
 M - Medication program (see comments)
 V - Veterinarian attention required - (see comments)
 E - Exercise has been given to the dog - (see comments)

Date	Officer #	Body Score #	Comments (Note: - Comments should reflect any noticeable changes to the dog - example: changes to diet or behaviour or if an injury was sustained or any other observations the Officer deems relevant to record.) See Entry Example below	H - Healthy O - Observation M - Medication V - Vet E - Exercise
13/10/22	007	4	The dog has no sign of any condition - could be slightly underfed. Puppy and dog roll will be fed to the dog and daily monitoring of condition.	H O M V E
22/7/19	205 214	4	Feed	<input checked="" type="radio"/> H O M V E
23/7/19	208 Sam	4		<input checked="" type="radio"/> H O M V E
24/7/19	208	4	DISPLAYING FOOD AGGRESSION WHEN FEEDING TO NEIGHBOURING DOG	<input checked="" type="radio"/> H O M V E
25/7/19	208 Sam	4		<input checked="" type="radio"/> H O M V E
26/7/19	208 204	4		<input checked="" type="radio"/> H O M V E
27/07	214	4		<input checked="" type="radio"/> H O M V E



DOG IMPOUNDING DAILY OBSERVATION SHEET

28/07	214	4		<input checked="" type="checkbox"/> H	O	M	V	E
29/7	204	4		<input checked="" type="checkbox"/> H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	<input type="checkbox"/> E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	<input type="checkbox"/> E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E
				H	O	M	V	E



Pivore Bay 752, Memorial Ave
 Kaitake 0440, New Zealand
 Freephone: 0800 920 029
 Phone: (09) 401 5700
 Fax: (09) 401 7137
 Email: info@fndc.govt.nz
 Website: www.fndc.govt.nz

Te Kaitake o Te Tokerau Ki Te Ihaki

*The top place where talent
 goes to live, work and succeed*

ACL010

12-Aug-2019

Dear

RE: Animal ID: 20190220; **Breed:** Pitbull Cross; **Colour:** Tan / White;
Gender: Male - Neutered; **Age:** 0 years, 11 months; **Dog Name:** Richard

NOTICE OF CLASSIFICATION OF DOG AS MENACING DOG
Dog Control Act 1996, Section 33C

This is to notify you* that this dog has been classified as a menacing dog under section 33C(1) of the Dog Control Act 1996.

This is because the Far North District Council has reasonable grounds to believe that the dog belongs wholly or predominantly to either the Brazilian Fila; Dogo Argentino; or Japanese Tosa breeds OR the American Pit Bull Terrier type of dog.

A summary of the effect of the classification and your right to object is provided below.

Ken Thomas
Team Leader – Animal Management
FAR NORTH DISTRICT COUNCIL

Date: 12-Aug-2019

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if-

- You own the dog; or
- You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or for the sole purpose of restoring a lost dog to its owner); or
- You are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

**PLEASE SEE OVERLEAF FOR EFFECTS OF CLASSIFICATION AND
 RIGHTS OF OBJECTION**



EFFECT OF CLASSIFICATION AS MENACING DOG**Dog Control Act 1996, Sections 33E, 33F and 36A**

- (a) You must not allow your dog(s) to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) You must, if required by the Far North District Council, within 1 month after receipt of notice if the classification, produce to the Far North District Council within 1 month after receipt of notice, a certificate issued by a registered veterinarian certifying –
 - i. your dog(s) has been neutered or;
 - ii. That for reasons specified in the certificate, the dog will not be in a fit condition to be neutered before the date specified in the certificate and;
- (c) Where a certificate under paragraph (b)(ii) is produced to the Far North District Council, produce to the Far North District Council within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Far North District Council in accordance with the reasonable instructions of the Far North District Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement-

- Within 2 months from 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006; or
- Within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996.

RIGHT OF OBJECTION TO CLASSIFICATION UNDER SECTION 33C**Dog Control Act 1996, Section 33D**

- You may object to the classification of your dog as menacing by lodging with the Far North District Council a written objection within 14 days of receipt of this notice setting out the grounds on which you object.
- You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

Rochelle Deane

From: Ken Thomas
Sent: Friday, July 31, 2020 12:01 PM
To: Rochelle Deane
Subject: FW: Objection to classification of dog as menacing

Hi Rochelle - FYI

Ken Thomas
 Team Leader - Animal Management
 District Services, Far North District Council
 +6494015281 | ken.thomas@fndc.govt.nz
<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.fndc.govt.nz%2F&data=02%7C01%7C01%7CRochelle.Deane%40fndc.govt.nz%7Cf4d2d3128a644dc8576a08d834e4d593%7Cab54057b72af4f95a4cdb8f19cc71db7%7C0%7C0%7C637317504720927715&data=FixGm3MBFA559EivL1955OzWDyeVKfgqs6WZnBVQTmE%3D&reserved=0>
 -----Original Message-----

From: Ken Thomas
Sent: Thursday, September 19, 2019 3:53 PM
To: Ken Thomas <ken.thomas@fndc.govt.nz>
Cc: CE Office <ceoffice@fndc.govt.nz>;
Subject: Re: Objection to classification of dog as menacing

Yes. There will be daily record sheets a/so I imagine.

Please cc all your correspondence to

From: Ken Thomas <ken.thomas@fndc.govt.nz>
Sent: Thursday, 19 September 2019 3:51 PM
To:
Cc: CE Office <ceoffice@fndc.govt.nz>
Subject: RE: Objection to classification of dog as menacing

Yes there will be an Impound sheet of course so I'll hunt it out as soon as I can and the RFS that relates to the Officers response

Thanks

[FNDCLogo]
<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.fndc.govt.nz%2F&data=02%7C01%7CRochelle.Deane%40fndc.govt.nz%7Cf4d2d3128a644dc8576a08d834e4d593%7Cab54057b72af4f95a4cdb8f19cc71db7%7C0%7C0%7C637317504720927715&data=FixGm3MBFA559EivL1955OzWDyeVKfgqs6WZnBVQTmE%3D&reserved=0>

Ken Thomas

Team Leader - Animal Management

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494015281 | m 021 970-551 | ken.thomas@fndc.govt.nz

Website<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.fndc.govt.nz%2F&data=02%7C01%7CRochelle.Deane%40fndc.govt.nz%7Cf4d2d3128a644dc8576a08d834e4d593%7Cab54057b72af4f95a4cdb8f19cc71db7%7C0%7C0%7C637317504720927715&data=FixGm3MBFA559EtvL1955CzWDyeVKfgqs6WZnBVQTmE%3D&data=reserved=0> |
 Facebook<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2FFarNorthDistrictCouncil&data=02%7C01%7CRochelle.Deane%40fndc.govt.nz%7Cf4d2d3128a644dc8576a08d834e4d593%7Cab54057b72af4f95a4cdb8f19cc71db7%7C0%7C0%7C637317504720937710&data=FwiAy%2BI0FZO5QU2A noOfozZIqp6faihCXuEQbLVO61M%3D&data=reserved=0> | LinkedIn
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 Careers<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Ffndc.govt.applyfirst.net%2F&data=02%7C01%7CRochelle.Deane%40fndc.govt.nz%7Cf4d2d3128a644dc8576a08d834e4d593%7Cab54057b72af4f95a4cdb8f19cc71db7%7C0%7C0%7C637317504720937710&data=HYEqUQILxNp3f%2BQkr5IM9TWi8Rdsk5cTXq7OJsPLAc%3D&data=reserved=0>

From:
 Sent: Thursday, 19 September 2019 3:36 PM
 To: Ken Thomas
 Cc: CE Office;
 Subject: Re: Objection to classification of dog as menacing

Thanks for your response.

If there was no 'case file' then please provide the notes that were taken in relation to
 along with other documents,

dog,

Please cc on all correspondence.

Thanks

From: Ken Thomas <ken.thomas@fndc.govt.nz>
 Sent: Thursday, 19 September 2019 3:00 PM
 To:
 Cc: CE Office <ceoffice@fndc.govt.nz>
 Subject: RE: Objection to classification of dog as menacing

Good afternoon.

Your email was passed onto Councils Legal department.

2

Im sure they will respond as soon as they can – I have asked again on your behalf.

There is no "case file". The dog was picked up essentially for straying.

Regards

[FNDC

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Ken Thomas

Team Leader - Animal Management

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

ddi +6494015281 | m 021 970-551 | ken.thomas@fndc.govt.nz

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From:
Sent: Thursday, 19 September 2019 2:34 PM
To: Ken Thomas
Cc: :E Office
Subject: Re: Objection to classification of dog as menacing

Dear Mr Thomas,

It has been 19 days since your email.

Would you please advise who we should correspond with to get a response on our email below, including the evidence and documentation relating to dog?

I have cc'ed this to the CE's office to obtain an RFS number so that the progress can be appropriately tracked at Council.

Thanks

From: Ken Thomas <ken.thomas@fndc.govt.nz>
Sent: Friday 30 August 2019 12:12 PM
To:
Subject: RE: Objection to classification of dog as menacing

Good afternoon

Thankyou for your email

I have passed this on and Council will be respond accordingly

Regards

[FND
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Ken Thomas

Team Leader - Animal Management

District Services, Far North District Council | 24-hour Contact Centre 0800 920 029

DDI +6494015281 | M021 970-551 | ken.thomas@fndc.govt.nz

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From:
 Sent: Thursday, 29 August 2019 8:37 a.m.
 To: Ken Thomas
 Subject: Fw: Objection to classification of dog as menacing

From:
 Sent: Thursday, 29 August 2019 8:35 AM
 To:
 Subject: Re: Objection to classification of dog as menacing

Dear Mr Thomas, I confirm that I have asked _____ to correspond with you on my behalf in relation to this matter.
 Yours sincerely,

Sent from Yahoo Mail for
 iPhone<<https://apc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Foverview.mail.yahoo.com%2F%3Fsrc%3DIOS&data=02%7C01%7CRochelle.Deane%40fndc.govt.nz%7Cf4d2d3128a644dc8576a08d834e4d593%7Cab54057b72af4f95a4cdb8f19cc71db7%7C0%7C0%7C637317504720937710&data=Qmr4y0u3xDI5aUQ10Qyqdg5yf23eMdBMMdOPQKP86o%3D&reserved=0>>

On Thursday, August 29, 2019, 8:31 AM,

Dear Mr Thomas,

I write on behalf of _____ who has sought my assistance in relation to your letter of 12 August, 2019, received on 16 August 2019, which advised that the Far North District Council has classified her dog Richard as Menacing under S 33 C (1) of the Dog Control Act 1999.

_____ objects to her dog being classified as a menacing dog on a number of grounds.

Please provide all evidence substantiating the reasonable grounds on which you have formed that belief.

Please provide me with the full case file and any other documentation you hold in relation to her dog.

Please respond to [redacted] and I in writing, via the email addresses above.

Your sincerely,

The BOI Watchdogs

Get it done online at your convenience, visit our website -

<https://apc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.fndc.govt.nz%2F&data=02%7C01%7CRochelle.Deane%40fndc.govt.nz%7Cf4d2d3128a644dc8576a08d834e4d593%7Cab54057b72af4f95a4cdb8f19cc71db7%7C0%7C0%7C637317504720937710&data=0KpYNOaryft94CYcv63ek9E9SIVLVUyBnZqk8GyusRY%3D&reserved=0>

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Far North District Council | Te Kaunihera o Tai Tokerau Ki Te Raki Ph. 09 401 5200 | Fax. 09 401 2137 | Email, ask.us@fndc.govt.nz Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

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Reference:

Menacing Classification

'American Pitbull Terrier' Type

The Dog Control Act 1996 ('the Act') places a statutory obligation on all territorial authorities in New Zealand to classify all dogs of a certain breed or type, as menacing. The intention of this classification was to identify dogs that can be 'potentially dangerous', even though they may not have exhibited any aggressive tendencies or behaviour in the past.

There has been little dispute regarding the 'breeds' identified in Schedule 4 of the Act, as there has been a long history in professional dog circles of grouping dogs based on physical characteristics.

However, the terms 'type' and 'American Pit Bull Terrier' do carry some uncertainty. The challenge for the territorial authority is to identify, assess and classify dogs that are essentially 'cross breeds', and which are part of a larger group of dogs known as 'Pit Bulls'. Many of the breeds within this 'type' of dog share some physical characteristics, as they were mostly derived from common ancestors.

Dogs New Zealand, formerly known as The New Zealand Kennel Club, does not recognise the American Pit Bull Terrier as a breed.

In the absence of identification standards or guidelines provided by the New Zealand Government for 'Pit Bull types', every council must create their own guidance material and identification protocols, and these are mostly based on internationally accepted guidelines and standards.

Legal Context

The Act sets out to control specified breeds and types of dogs in two ways – firstly, by requiring a territorial authority to classify as 'menacing' any dog specified in Schedule 4 of the Act, and secondly, by prohibiting the importation of those breeds and types of dogs.

Schedule 4 of the Act specifies four breeds and one type:

Breeds	Type
Brazilian Fila	American Pit Bull Terrier

Dogo Argentino	
Japanese Tosa	
Perro de Presa Canario	

Section 33C of the Act states:

“33C Dogs belonging to breed or type listed in Schedule 4 to be classified as menacing

(1) A territorial authority must, for the purposes of section 33E(1)(a), classify as menacing any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4.”

The Act (and the courts) have failed to provide clarification on precisely what was meant by an ‘American Pit Bull Terrier type’, and in that absence of clarity, territorial authorities have largely used subjective reasons for determining whether a dog is wholly or predominately of this type.

During the examination of the **Local Government Law Reform Bill (No 2)**, which was eventually enacted as the Dog Control Amendment Act 2003, the Local Government and Environment Committee (ref: DBSCH-SCR-2567-2313, page 10) commented that “we recognise that the American Pit Bull Terrier is sometimes difficult to identify. We also note overseas jurisdictions have developed identification guides which will assist. We believe the measure is worthwhile.”

The committee also recommended under the section – Classification of a dog as ‘potentially dangerous’ (page 11), the following:

“The department advised that the proposed category of menacing dog is intended, in part, as a mechanism to impose a greater level of control over existing dogs in New Zealand that belong to one or other of the four restricted fighting breeds listed in new Schedule 4.

We consider that amending menacing dog provisions to limit the determinant to deed alone, would fail to address, in a comprehensive way, the potential threat that these animals pose, particularly to children.”

Section 21 of the Dog Control Amendment Act 2003 amended the Dog Control Act 1996 by inserting Section 33C, which makes it mandatory for territorial authorities to classify as menacing all dog breeds listed in Schedule 4 of the Act, and also the one type of dog, which is the American Pit Bull Terrier.

DNA testing

There has been an increasing trend for dog owners to have their dog tested using the BITSA (Breed identification Through Scientific Analysis) test – especially with respect to using this as a means for proving a dog is not a Pit Bull type dog.

BITSA is a test which uses DNA analysis to provide a history of a dog's ancestry. The profile obtained is cross-referenced against an extensive genetic database to provide a breed signature. In the case of BITSA, the database uses DNA collected from registered pedigree dogs throughout Australasia. Specifically, it is noted that BITSA does not carry breed signatures for American Pit Bull Terriers.

According to BITSA, the profile of the dog can determine whether both parents of a dog were of a particular breed, but it cannot be used to serve as evidence of a pedigree of dog. The reason for this is that BITSA does not have a conclusive catalogue of all breeds of dogs.

Furthermore, many dogs are so highly cross-bred that very quickly the purebred characteristics (and the genetic breed signatures) are no longer able to be identified. While the above relates to a specific DNA testing service, the general issues identified with this service are likely to apply to other services offering DNA testing for dogs.

For these reasons, it is not recommended to accept DNA testing as evidence of whether a dog is not wholly or predominately a Pit Bull type, unless the testing agency specifically provides a genetic breed signature for the American Pit Bull Terrier.

Visual assessment

Far North District Council Animal Management Officer's undertake a visual assessment, as a means of considering whether a dog may be wholly or predominately a Pit Bull type.

Information is available on the internet for characteristics and colour charts for Pit Bulls. Included in this guide is the UKC breed standard and a Resource booklet produced by Auckland Council for reference.

Council will also rely on information provided by the dog's owner at the time of registration, thus placing the responsibility on the dog's owner to determine the type of dog which they own.

Where any dog is registered by the owner as an 'American Pit Bull Terrier', 'Pit Bull Terrier', 'Pit Bull', 'Pitty' or any similar or related name, or the breed is indicated as a cross with any similar or related name, the dog will be classified as menacing by Far North District Council.

This is based on the reasonable grounds this information gives the council to believe the dog is of the type 'American Pit Bull Terrier', as listed in Schedule 4 of the Act.

The onus will be on the dog owner to prove that the dog is not of 'American Pit Bull Terrier' type, and it will not be Far North District Council's responsibility to prove that it is, or is not, of this type.

Menacing classifications

A menacing classification notice under Section 33C must be issued to the owner of all dogs classed as 'Pit Bull' type.

All menacing dogs are required to be neutered, as specified in the Far North District Council Dog Management Policy 2018.

The requirement to be neutered also extends to dogs that have been classified as menacing by another territorial authority, but now live in the Far North District.

All menacing dogs are required by Section 36A(1)(b) of the Act to be microchipped, and must be muzzled in a public place, Section 33E(1)(a).

History of the 'Pit Bull Terrier'

Love-a-bull.org – *The History of Pit Bulls*

The history of the Pit Bull Terrier can be traced back to the early 1800's in the United Kingdom. Pit Bull Terriers were originally bred from Old English Bulldogs (these dogs are

similar in appearance to today's American Bulldog) who gained their popularity on the British Isles in a cruel blood sport known as "bull baiting".

However, in 1835 the British Parliament enacted the Cruelty to Animals Act 1835, which prohibited the baiting of some animals such as the bull and bear.



Once bull and bear baiting were outlawed, the public turned their attention to "ratting". This practice pitted dogs against rats in which they were timed to see whose dog would kill the most rats in the least amount of time. The 'pit' in Pit Bull comes from ratting, as the rats were placed into a pit so that they could not escape. Ultimately, the public turned their eyes upon dog fighting as it was more easily hidden from view, and thus the law.

Ratting and dogfighting both required more agility and speed on the part of the dog, so Bulldogs were crossed with Terriers to form "Bull and Terriers", which became more commonly known as the first Pit Bull Terriers.

Dog fanciers in England, Ireland and Scotland began to experiment with these crosses between Bulldogs and Terriers, looking for a dog that combined the gameness of the terrier with the strength and athleticism of the Bulldog. The result was a dog that embodied all the virtues attributed to great warriors: strength, indomitable courage, and gentleness with loved ones.

Immigrants brought these bull-and-terrier crosses to the United States, where the American Pit Bull Terrier (APBT) was born. The APBT's many talents did not go unnoticed by farmers and ranchers who used their APBTs as catch dogs for semi-wild cattle and hogs, to hunt, to drive livestock, and as family companions.



In 1976, the Supreme Court in America passed the Animal Welfare Act of 1976. This ground-breaking act made dogfighting officially illegal in all 50 states.

Unfortunately, many times when an act is made criminal, it draws the attention of criminals.

As dogfighting began to re-emerge in the 1980s, animal advocates put an increased focus on the cruel, barbaric, and illegal blood sport. The inadvertent and unfortunate side effect of this new movement was that some people began to seek out Pit Bulls for illicit purposes.

The criminal set began trying to squeeze these dogs into a mould they were never designed to fit. The breed who was once bred to treat every stranger like a long-lost friend was now being used as guard dogs and protection dogs and were being fought in underground fighting rings.

The demand for Pit Bulls led to many owners breeding their own dogs without concern for temperament or socialisation and for the purpose of making a profit, rather than providing a responsible home. Soon Pit Bulls were associated with poverty, 'urban thugs' and crime.

They were mostly viewed as money-making commodities instead of family members and companions.

While there is no defining moment in which to point to and say, "here is where it all went wrong", many trace the turning point to 1987 in which a Time Magazine cover story was titled "*The Pit Bull Friend and Killer*".



Thanks in a large part to the media, the "All American Dog" began to be exploited at new lows.

The Pit Bull, seen by criminals as items to be discarded, and now being seen by the public as a danger, began to fill shelters at an alarming rate. The media portrayal and demonisation of the Pit Bull paved a perfect path for the onset of breed-specific legislation (BSL). The first recorded city to pass BSL was Hollywood, Florida, in 1980.

Currently, there are several breeds that are recognised by different associations which fall under the term 'Pit Bull'. The Federation Cynologique Internationale currently only recognises three similar breeds: the Bull Terrier, the Miniature Bull Terrier, and the Staffordshire Bull Terrier.

The Canadian Kennel Club and the American Kennel Club also recognise these breeds, as well as the American Staffordshire Terrier.

The United Kennel Club in America was the first registry to recognise the American Pit Bull Terrier. UKC founder C. Z. Bennett assigned UKC registration number 1 to his own APBT, Bennett's Ring, in 1898.

Reference Material

AMERICAN PIT BULL TERRIER

Official UKC Breed Standard

Revised May 1, 2017

Terrier Group

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The goals and purposes of this breed standard include: to furnish guidelines for breeders who wish to maintain the quality of their breed and to improve it; to advance this breed to a state of similarity throughout the world; and to act as a guide for judges.

Breeders and judges have the responsibility to avoid any conditions or exaggerations that are detrimental to the health, welfare, essence and soundness of this breed, and must take the responsibility to see that these are not perpetuated.

The American Pit Bull Terrier has a long history of being a physically active, muscular, very agile breed, and has maintained breed type for over 150 years. Any departure from the following should be considered a fault, and the seriousness with which the fault should be regarded should be in exact proportion to its degree and its effect upon the health and welfare of the dog and on the dog's ability to perform its traditional work.

Quality is never to be sacrificed in favor of size. Characteristics that very clearly indicate crossing with other breeds are not to be tolerated.

UKC is unwilling to condone the validity of using exaggerated specimens of this breed in a breeding program and, to preserve its health and vibrancy, cautions judges about awarding wins to these representatives.

HISTORY

Sometime during the nineteenth century, dog fanciers in England, Ireland and Scotland began to experiment with crosses between Bulldogs and Terriers, looking for a dog that combined the gameness of the terrier with the strength and athleticism of the Bulldog. The result was a dog that embodied all of the virtues attributed to great warriors: strength, indomitable courage, and gentleness with loved ones. Immigrants brought these bull-and-terrier crosses to the United States. The American Pit Bull Terrier's many talents did not go unnoticed by farmers and ranchers who used their APBTs as catch dogs for semi-wild cattle and hogs, to hunt, to drive livestock, and as family companions. Today, the American Pit Bull Terrier continues to demonstrate its versatility, competing successfully in Obedience, Rally Obedience, Tracking, Agility, Lure Coursing, Dock Jumping and Weight Pulls, as well as Conformation.

The United Kennel Club was the first registry to recognize the American Pit Bull Terrier. UKC founder C. Z. Bennett assigned UKC registration number 1 to his own APBT, Bennett's Ring, in 1898.

GENERAL APPEARANCE

The American Pit Bull Terrier is a medium-sized, solidly built, short-coated dog with smooth, well-defined musculature. This breed is both powerful and athletic. The body is just slightly longer than tall, but bitches may be somewhat longer in body than dogs. The length of the front leg (measured from point of elbow to the ground) is approximately equal to one-half of the dog's height at the withers.

The head is of medium length, with a broad, flat skull, and a wide, deep muzzle. Ears are small to medium in size, high set, and may be natural or cropped.

The relatively short tail is set low, thick at the base and tapers to a point.

The American Pit Bull Terrier comes in all colors and color patterns except merle. This breed combines strength and athleticism with grace and agility and should never appear bulky or muscle-bound or fine-boned and rangy.

Above all else, the APBT must have the functional capability to be a catch dog that can hold, wrestle (push and pull), and breathe easily while doing its job. Balance and harmony of all parts are critical components of breed type.

Eliminating Faults: Any disproportionate overdone characteristic (such as short legs, excessive bone or massive head or body) that would interfere with physical activity or working ability.

Disqualifications: Unilateral or bilateral cryptorchid. Dwarfism.

CHARACTERISTICS

The essential characteristics of the American Pit Bull Terrier are strength, confidence, and zest for life. This breed is eager to please and brimming over with enthusiasm. APBTs make excellent family companions and have always been noted for their love of children. Because most APBTs exhibit some level of dog aggression and because of its powerful physique, the APBT requires an owner who will carefully socialize and obedience train the dog. The breed's natural agility makes it one of the most capable canine climbers so good fencing is a must for this breed. The APBT is not the best choice for a guard dog since they are extremely friendly, even with strangers. Aggressive behavior toward humans is uncharacteristic of the breed and highly undesirable. This breed does very well in performance events because of its high level of intelligence and its willingness to work.

Disqualifications: Viciousness or extreme shyness.



HEAD

The APBT head is unique and a key element of breed type. It is large and broad, giving the impression of great power, but it is not disproportionate to the size of the body. Viewed from the front, the head is shaped like a broad, blunt wedge. When viewed from the side, the skull and muzzle are parallel to one another and joined by a well defined, moderately deep stop. Supraorbital arches over the eyes are well defined but not pronounced. The head is well chiseled, blending strength, elegance, and character.

Very Serious Fault: Overly large, heavy heads.

SKULL - The skull is large, flat or slightly rounded, deep, and broad between the ears. Viewed from the top, the skull tapers just slightly toward the stop. There is a deep median furrow that diminishes in depth from the stop to the occiput. Cheek muscles are prominent but free of wrinkles. When the dog is concentrating, wrinkles form on the forehead, which give the APBT his unique expression.

MUZZLE - The muzzle is broad and deep with a very slight taper from the stop to the nose, and a slight falling away under the eyes. The length of muzzle is shorter than the length of skull, with a ratio of approximately 2:3. The topline of the muzzle is straight. The lower jaw is well developed, wide and deep. Lips are clean and tight.

Faults: Snipey muzzle; flews; weak lower jaw.

Eliminating Faults: Muzzle so short and blunt as to interfere with normal breathing.

TEETH - The American Pit Bull Terrier has a complete set of evenly spaced, white teeth meeting in a scissors bite.

Fault: Level bite.

Serious Faults: Undershot, or overshot bite; wry mouth; missing teeth (this does not apply to teeth that have been lost or removed by a veterinarian).

NOSE - The nose is large with wide, open nostrils. The nose may be any color.

EYES - Eyes are medium size, round and set well apart and low on the skull. All colors are equally acceptable except blue, which is a serious fault. Haw should not be visible.

Serious Faults: Bulging eyes; both eyes not matched in color; blue eyes.

EARS - Ears are high set and may be natural or cropped without preference. Prick, or flat, wide ears are not desired.

Disqualifications: Unilateral or bilateral deafness.

NECK

The neck is of moderate length and muscular. There is a slight arch at the crest. The neck widens gradually from where it joins the skull to where it blends in to well laid-back shoulders. The skin on the neck is tight and without dewlap.

Faults: Neck too thin or weak; ewe neck; dewlap.

Very Serious Fault: A short, thick neck that would interfere with functional ability.

FOREQUARTERS

The shoulder blades are long, wide, muscular, and well laid back. The upper arm is roughly equal in length to the shoulder blade and joins it at an apparent right angle.

The forelegs are strong and muscular. The elbows are set close to the body. Viewed from the front, the forelegs are set moderately wide apart and perpendicular to the ground. The pasterns are short, powerful, straight, and flexible. When viewed in profile, the pasterns are nearly erect.

Faults: Upright or loaded shoulders; elbows turned outward or tied-in; down at the pasterns; front legs bowed; wrists knuckled over; toeing in or out.

Eliminating Faults: Front legs (measured from elbow to ground) shorter than half the total height at the withers. Front legs so bowed as to interfere with normal movement.

BODY

The chest is deep, well filled in, and moderately wide with ample room for heart and lungs, but the chest should never be wider than it is deep. The forechest does not extend much beyond the point of shoulder. The ribs extend well back and are well sprung from the spine, then flattening to form a deep body extending to the elbows. The back is strong and firm. The topline inclines very slightly downward from the withers to a broad, muscular, level back. The loin is short, muscular and slightly arched to the top of the croup, but

narrower than the rib cage and with a moderate tuck-up. The croup is slightly sloping downward.

Very Serious Fault: Overly massive body style that impedes working ability.

Eliminating Fault: Chest so wide as to interfere with normal movement.

HINDQUARTERS

The hindquarters are strong, muscular, and moderately broad. The rump is well filled in on each side of the tail and deep from the pelvis to the crotch. The bone, angulation, and musculature of the hindquarters are in balance with the forequarters. The thighs are well developed with thick, easily discerned muscles. Viewed from the side, the hock joint is well bent and the rear pasterns are well let down and perpendicular to the ground. Viewed from the rear, the rear pasterns are straight and parallel to one another.

Faults: Narrow hindquarters; hindquarters shallow from pelvis to crotch; lack of muscle; straight or over angulated stifle joint; cow hocks; sickle hocks; bowed legs.

FEET

The feet are round, proportionate to the size of the dog, well arched, and tight. Pads are hard, tough, and well cushioned. Dewclaws may be removed.

Fault: Splayed feet.

TAIL

The tail is set on as a natural extension of the topline, and tapers to a point. When the dog is relaxed, the tail is carried low and extends approximately to the hock. When the dog is moving, the tail is carried level with the backline. When the dog is excited, the tail may be carried in a raised, upright position (challenge tail), but never curled over the back (gay tail).

Fault: Long tail (tail tip passes beyond point of hock).

Serious faults: Gay tail (not to be confused with challenge tail); kinked tail.

Eliminating Fault: Bobbed tail.

Disqualification: Screw tail.

COAT

The coat is glossy and smooth, close, and moderately stiff to the touch.

Faults: Curly, wavy, or sparse coat.

Disqualification: Long coat.

COLOR

Any color, color pattern, or combination of colors is acceptable, except for merle.

Disqualifications: Albinism. Merle

HEIGHT AND WEIGHT

The American Pit Bull Terrier must be both powerful and agile; overall balance and the correct proportion of weight to height, therefore, is far more important than the dog's actual weight and/or height.

Desirable weight for a mature male in good condition is between 35 and 60 pounds. Desirable weight for a mature female in good condition is between 30 and 50 pounds.

As a general and approximate guideline only, the desirable height range for mature males is from 18 to 21 inches at the withers; for mature females it is from 17 to 20 inches at the withers.

It is important to note that dogs over or under these weight and height ranges are not to be penalized unless they are disproportionately massive or rangy.

Very Serious Fault: Excessively large or overly massive dogs and dogs with a height and/or weight so far from what is desired as to compromise health, structure, movement and physical ability.

GAIT

The American Pit Bull Terrier moves with a jaunty, confident attitude, conveying the impression that he expects any minute to see something new and exciting. When trotting, the gait is effortless, smooth, powerful, and well coordinated, showing good reach in front and drive behind. When moving, the topline remains level with only a slight flexing to indicate suppleness. Viewed from any position, legs turn neither in nor out, nor do feet cross or interfere with each other. As speed increases, feet tend to converge toward center line of balance.

Faults: Legs not moving on the same plane; legs over reaching; legs crossing over in front or rear; rear legs moving too close or touching; rolling; pacing; paddling; sidwinding; hackney action; pounding.

ELIMINATING FAULTS

(An Eliminating Fault is a Fault serious enough that it eliminates the dog from obtaining any awards in a conformation event.)

Any disproportionate overdone characteristic (such as short legs, excessive bone or massive head or body) that would interfere with physical activity or working ability.

Muzzle so short and blunt as to interfere with normal breathing.

Front legs so bowed as to interfere with normal movement.


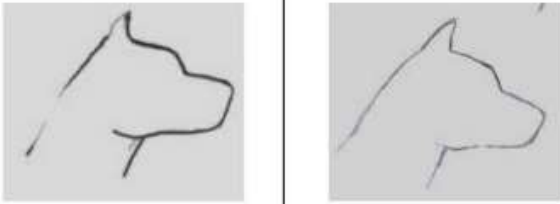

Front legs (measured from elbow to ground) shorter than half the total height at the withers.


Chest so wide as to interfere with normal movement.












Bobbed tail.













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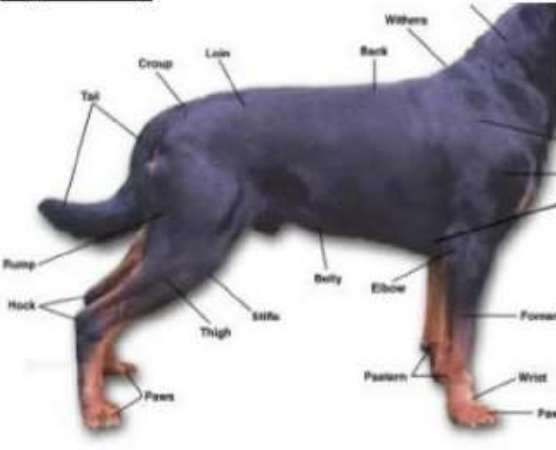

Resource booklet – American Pit Bull Terrier type (APBT)











HEAD	
Description	<p>Head – the APBT head is a key element of the breed type. It is large and broad, giving the impression of great power, but it is not disproportionate to the size of the body. Viewed from the front, the head is shaped like a broad, blunt wedge. Viewed from the side, the skull and muzzle are parallel and joined by a well-defined, moderately deep stop.</p> <p>Head Shape – the skull is large, flat, or slightly rounded, deep, and broad between the ears. Viewed from the top, the skull tapers just slightly toward the stop. There is a deep median furrow that diminishes in depth from the stop to the occiput.</p> <p>Cheek muscles are prominent but free of wrinkles. When the dog is concentrating, wrinkles form on the forehead, which give the APBT his unique expression.</p> <p>Muzzle – the muzzle is broad and deep with a very slight taper from the stop to the nose, and a slight falling away under the eyes. The length of muzzle is shorter than the length of skull, with a ratio of approximately 2:3. The topline of the muzzle is straight. The lower jaw is well developed, wide and deep. Lips are clean and tight.</p> <p>Nose - The nose is large with wide, open nostrils. The nose may be any colour.</p> <p>Dog anatomy:</p>  <p><small>Not an APBT – for illustration purposes only</small></p>
Cheek muscles <ul style="list-style-type: none"> Prominence of the cheek muscles helps form the overall head picture. 	<p>Outline:</p> 
Muzzle	<p>Examples:</p> 









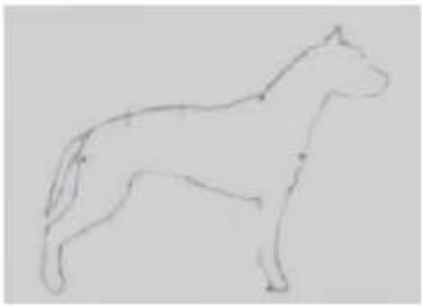
EARS	
Ear shape <ul style="list-style-type: none"> • Semi-erect ear carriage • Set high on the head and free from wrinkles. 	Examples:  
	Not: Button shape c.g. Wirehaired Fox Terrier 
	Rounded short shape and/or dropped carriage e.g. Labrador 
	Bat Shape c.g. Boston Terrier 
	Rounded long shape, e.g. Basset Hound 












<p>Head shape – Mesaticephalic</p> <ul style="list-style-type: none"> • Medium skull with a medium muzzle. • Broad at the base but short in length. 	<p><u>Examples:</u></p>   	  	  
	<p><u>Not:</u> Dolichocephalic e.g. Greyhound</p> 	<p>Brachycephalic e.g. Pug</p> 	













EYES		
Eye shape <ul style="list-style-type: none">Eyes are medium size, round to almond-shaped, and set well apart and low on the skull.	Examples:  	
	 	
	Not: Round shape e.g. Pug	Triangular shape e.g. Bull Terrier
		
	Not: Protruding type e.g. Chihuahua	Deep type e.g. Shar Pei
		
Eye set (eye position in the skull)	Examples: 	
	Not: Wide set e.g. American Staffordshire Terrier	Oblique set e.g. Greyhound
		

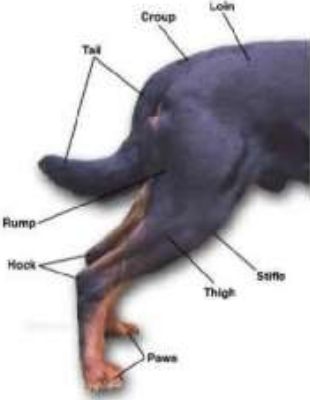
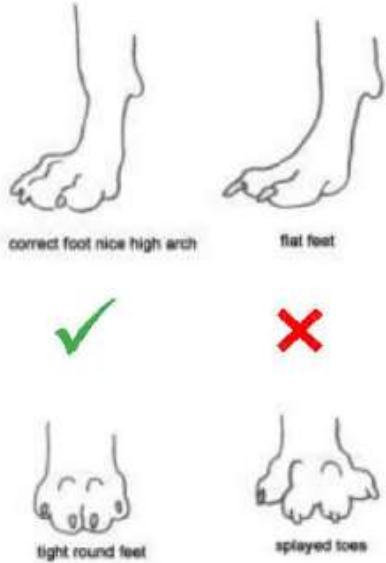
BODY	
<p>Description</p>	<p>Neck – the neck is of moderate length and muscular. The neck should be narrowest just behind the ears and widen downward gradually to blend smoothly into the withers (top of the shoulders). The skin on the neck is tight and without dewlap.</p> <p>Forequarters – the shoulder blades are long, wide, muscular, and well laid back. The upper arm is roughly equal in length to the shoulder blade and joins it at an apparent right angle.</p> <p>Forelegs – the forelegs are strong and muscular. The elbows are set close to the body. Viewed from the front, the forelegs are set moderately wide apart and perpendicular to the ground. The pasterns are short, powerful, straight, and flexible. When viewed in profile, the pasterns are nearly erect.</p> <p>Back – the back should be short and strong, slightly sloping from withers to rump. The topline should be slightly higher at the withers than at the rump, with subtle arch just over the loin area.</p> <p>Chest – the chest should be deep, but not too broad, with wide sprung ribs. As the fore chest (also known as the brisket) goes down between the front legs to meet the chest, the fore chest should be deep enough at its lowest point to be even with the dog's elbow when viewed by the side.</p> <p>Dog Anatomy:</p>  <p><small>Notes: APBT – for illustration purposes only</small></p>
<p>Size</p> <ul style="list-style-type: none"> • Medium size • Height – at withers, the ideal adult height: male = 45-53cm female = 43-51cm • Weight – estimated, the ideal adult weight: male = 16-27kg female = 14-23kg 	<p>Examples:</p> 














	<p><u>Not</u> Small e.g. Jack Russell Terrier</p> 	<p>Large e.g. Labrador</p> 	<p>Giant e.g. English Mastiff</p> 
<p>Chest shape</p> <ul style="list-style-type: none"> • The chest is deep, well filled in, and moderately wide with ample room for heart and lungs • The chest should never be wider than it is deep. • The fore chest does not extend much beyond the point of shoulder. 			
			
	<p><u>Not</u> Barrel e.g. Bulldog</p> 	<p>Ovoid / Standard e.g. Jack Russell</p> 	
<p>Build</p> <ul style="list-style-type: none"> • Stocky build 	<p><u>Examples:</u></p> 		












	<p><u>Not:</u> Solid e.g. Mastiff</p> 	<p>Finer e.g. Greyhound</p> 
<p>Body length</p> <ul style="list-style-type: none"> The body is just slightly longer than tall Females may be slightly longer in the body than males 	<p><u>Examples:</u></p> 	
	<p><u>Not:</u> Elongated e.g. Dachshund</p> 	
<p>Topline (Gradient of the back from the withers to the rump)</p>	<p><u>Examples:</u></p> 	
		

	<p><u>Not:</u> Level topline e.g. Rottweiler</p> 	<p>Rising topline e.g. Greyhound</p> 
SKIN & COAT		
<p>Coat feel & length</p> <ul style="list-style-type: none">The coat is glossy and smooth, close, and moderately stiff to the touch. The hair should be rather course in texture.	<p><u>Examples:</u></p>   	
<p><u>Not:</u> Excess skin e.g. Shar Pei</p> 	<p>Wire-haired e.g. Wire-haired Pointer</p> 	<p>Curly-haired e.g. Poodle</p> 
<p>Hairless e.g. Chinese Crested</p> 	<p>Long coat length e.g. Afghan Hound</p> 	<p>Medium coat length e.g. Border Collie</p> 

Coat colour	Examples:		
	Black		Black & white
			
			Tan
			
	Tan & white		Chocolate
			
			Chocolate & white
			
	Light brindle		Dark brindle
			
			Light & dark brindle
			
	Cream		White
			
			Black and white
			

LEGS	
<p>Description</p>	<p>Hindquarters – the hindquarters are strong, muscular, and moderately broad. The rump is well filled in on each side of the tail and deep from the pelvis to the crotch. The bone, angulation, and musculature of the hindquarters are in balance with the forequarters.</p> <p>Thighs – the thighs are well developed with thick, easily discerned muscles. Viewed from the side, the hock joint is well bent and the rear pasterns are well let down and perpendicular to the ground. Viewed from the rear, the rear pasterns are straight and parallel to one another.</p> <p>Legs and Feet – the front legs should be strong and sturdy. The feet should point directly to the front, not towards each other or away from each other. The pasterns (which are the lower part of the front leg, from the joint just above the foot down to the foot) should stand erect and strong.</p> <p>Dog Anatomy:</p>  <p><small>Not an APTT - For illustration purposes only</small></p>
<p>Feet shape</p> <ul style="list-style-type: none"> • The feet are round, proportionate to the size of the dog, well arched, and tight. • Pads are hard, tough, and well cushioned. 	<p>Diagram:</p> 

<p>Thigh muscles & leg shape</p> <ul style="list-style-type: none"> Well developed 	<p><u>Examples:</u></p> 		
			
			
	<p><u>Not:</u> Long-legged e.g. Great Dane</p> 	<p>Short-legged e.g. Maltese Terrier</p> 	
	<p>Straight leg shape e.g. Wire-haired Fox Terrier</p> 	<p>Crooked leg shape e.g. I hasa Apso</p> 	

TAIL	
Description	<p>The tail is set on as a natural extension of the topline, and tapers to a point.</p> <p>When the dog is relaxed, the tail is carried low and extends approximately to the hock. When the dog is moving, the tail is carried level with the backline.</p>
	<p>Examples:</p> 
	
	<p>Not:</p> <p>Long e.g. Irish Wolfhound</p> 
	<p>High carriage e.g. Scottish Terrier</p> 
	<p>Short e.g. Boston Terrier</p> 
	<p>Curly e.g. Basenji</p> 
	<p>Whip e.g. Pointer</p> 
	<p>Screw e.g. Bulldog</p> 
	<p>Plume e.g. English Setter</p> 
	<p>Spitz type e.g. Samoyed</p> 
	<p>Straight e.g. Airedale Terrier</p> 

6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

7 MEETING CLOSE