
Regulatory and Bylaws Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory and Bylaws Committee held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Tuesday, 3 December 2013 at 9.30am.

PRESENT

Chairperson	Calum Penrose	
Deputy Chairperson	Denise Krum	
Members	Cr Bill Cashmore	
	Cr Linda Cooper, JP	
	Cr Alf Filipaina	
	Cr John Watson	
	Member Glenn Wilcox	
	Cr George Wood, CNZM	from 10.06, item 5.2

APOLOGIES

Cr Sharon Stewart	for non-attendance
Cr George Wood	for lateness

ALSO PRESENT

Cr Cathy Casey

IN ATTENDANCE

Andrew Hayton – Auckland Harbourmaster
Christiaan Moss – Deputy Harbourmaster

1 Apologies

Resolution number RBC/2013/1

MOVED by Chairperson CM Penrose, seconded by Cr WB Cashmore:

That the Regulatory and Bylaws Committee:

- a) **accept the apology from Cr SL Stewart for non-attendance and Cr G Wood for lateness.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

There were no minutes to confirm.

4 Petitions

There were no petitions.

5 Public Input

5.1 Richard Brown - Auckland Yacht and Boating Association

A powerpoint presentation was given in support of this item.

A copy of the presentation is attached to the original of these minutes and is available on the Auckland Council website.

Resolution number RBC/2013/2

MOVED by Chairperson CM Penrose, seconded by Deputy Chairperson DA Krum:

That the Regulatory and Bylaws Committee:

- a) **receive the presentation from Mr Richard Brown and thank him for his attendance at the Regulatory and Bylaws Committee.**

CARRIED

Attachments

- A PowerPoint Presentation

5.2 Mike Cahill - Hibiscus Coast Boating Club

Further information was tabled in support of this item.

A copy of the tabled information is attached to the original of these minutes and is available on the Auckland Council website.

Member GS Wood entered the meeting at 10:06 am.

Resolution number RBC/2013/3

MOVED by Chairperson CM Penrose, seconded by Cr J Watson:

That the Regulatory and Bylaws Committee:

- a) **receive the presentation from Mr Mike Cahill and thank him for his attendance at the Regulatory and Bylaws Committee.**

CARRIED

Attachments

- A Tabled Information

5.3 Sandy Harrop - WaterSafe Auckland Inc.

A powerpoint presentation was given in support of this item.

A copy of the presentation is attached to the original of these minutes and is available on the Auckland Council website.

Resolution number RBC/2013/4

MOVED by Chairperson CM Penrose, seconded by Cr J Watson:

That the Regulatory and Bylaws Committee:

- a) **receive the presentation from Ms Sandy Harrop and thank her for her attendance at the Regulatory and Bylaws Committee.**

CARRIED

Attachments

- A PowerPoint Presentation
- B Tabled Information - Chart
- C Tabled Information - Empirical and societal evidence for the wearing of lifejackets on small boats.

6 Local Board Input

There was no local board input.

7 Extraordinary Business

There was no extraordinary business.

8 Notices of Motion

There were no notices of motion.

9 Introduction to bylaws for the new Regulatory and Bylaws Committee

Resolution number RBC/2013/5

MOVED by Cr AM Filipaina, seconded by Cr WB Cashmore:

That the Regulatory and Bylaws Committee:

- a) **note the background to the review of the legacy bylaws, including the principles adopted for the review and the range of topics covered.**

CARRIED

10 Bylaws review and implementation programme update – December 2013

Resolution number RBC/2013/6

MOVED by Member G Wilcox, seconded by Cr WB Cashmore:

That the Regulatory and Bylaws Committee:

- a) **note progress of bylaw review and implementation and the forward programme that will complete the review of the legacy bylaws by 2015.**

CARRIED

11 Proposed lifejacket bylaw and Statement of Proposal

Resolution number RBC/2013/7

MOVED by Chairperson CM Penrose, seconded by Cr AM Filipaina:

That the Regulatory and Bylaws Committee:

- a) **agree that Attachment B: Statement of Proposal - Lifejacket Bylaw be incorporated into the wider review of the Auckland Regional Council Navigation Safety Bylaw 2008, to allow the development and consultation of a single Navigation Safety Bylaw;**
- b) **authorise the Manager Policies and Bylaws to incorporate the Statement of Proposal and proposed Lifejacket Bylaw 2014 into the draft Statement of Proposal – Navigation Safety Bylaw and Navigation Safety Bylaw 2014, and to make minor edits or amendments to the resulting Statement of Proposal and proposed Navigation Safety Bylaw 2014 to correct any identified errors or typographical edits;**
- c) **direct the Manager Policies and Bylaws to refer the combined Lifejacket and Navigation Safety Statement of Proposal to all local boards for their information by 15 January 2014.**

CARRIED

12 Review of the Navigation Safety Bylaw and Statement of Proposal

Resolution number RBC/2013/8

MOVED by Chairperson CM Penrose, seconded by Cr AM Filipaina:

That the Regulatory and Bylaws Committee:

- a) **agree that Attachment A: Statement of Proposal – Navigation Safety Bylaw be amended to incorporate the draft Statement of Proposal – Lifejacket Bylaw, to allow the development and consultation of a single Navigation Safety Bylaw;**
- b) **recommend to the Governing Body of Auckland Council that it resolve as follows:**
 - i) **under section 63(3)(c) of the Local Government (Auckland Transitional Provisions) Act 2010 and 156 of the Local Government Act 2002, the Auckland Council proposes to revoke the Auckland Regional Council Navigation Safety Bylaw 2008.**
 - ii) **a bylaw is the most appropriate way of addressing problems relating to navigation safety in Auckland**
 - iii) **under section 33M of the Maritime Transport Act 1994, Auckland Council proposes to regulate navigation safety in Auckland through the proposed Navigation Safety Bylaw 2014 and controls.**
 - iv) **under sections 83, 86 and 87 of the Local Government Act 2002, Attachment A: Statement of Proposal - Navigation Safety Bylaw that was considered by the Regulatory and Bylaws Committee on 3 December 2013 and amended to include the draft Statement of Proposal – Lifejackets Bylaw be adopted to be used during the special consultative procedure.**
 - v) **the proposed bylaw included in the attachment referred to in item (iv) is the most appropriate form of bylaw.**
 - vi) **the proposed bylaw included in the attachment referred to in item (iv) is not inconsistent with the New Zealand Bill of Rights Act 1990.**
 - vii) **Council commences the special consultative procedure pursuant to section 83 of the Local Government Act 2002.**
- c) **authorise the Manager Policies and Bylaws to incorporate the Statement of Proposal – Lifejacket Bylaw into the draft Statement of Proposal – Navigation Safety Bylaw, and to make minor edits or amendments to the resulting Statement of Proposal and proposed Navigation Safety Bylaw 2014 to correct any identified errors or typographical edits.**

CARRIED

13 Establishing hearing panels for bylaws on navigation safety, lifejackets, outdoor fires, stormwater management, air quality and trading in public places

Resolution number RBC/2013/9

MOVED by Chairperson CM Penrose, seconded by Deputy Chairperson DA Krum:

That the Regulatory and Bylaws Committee:

- a) agree to:
- i) appoint a Hearing Panel of up to five elected members to hear submissions, deliberate and make recommendations to the governing body of Auckland Council on the review of the navigation safety and life jacket bylaws (including any proposed new bylaws).
 - ii) appoint a Hearing Panel of up to five elected members to hear submissions, deliberate and make recommendations to the governing body of Auckland Council on the review of the outdoor fires bylaws (including any proposed new bylaw).
 - iii) appoint a Hearing Panel of up to five elected members to hear submissions, deliberate and make recommendations to the governing body of Auckland Council on the review of the stormwater management bylaws (including any proposed new bylaw).
 - iv) appoint a Hearing Panel of up to five elected members to hear submissions, deliberate and make recommendations to the governing body of Auckland Council on the review of air quality issues (including any proposed new bylaw).
 - v) appoint three elected members to the joint hearings panel with Auckland Transport to hear submissions, deliberate and make recommendations to the governing bodies of both Auckland Council and Auckland Transport on the review of their respective trading in public places bylaws (including any new bylaws).
 - vi) note that Auckland Transport may appoint further members to the hearings panel referred to in (v).
 - vii) appoint one person as chairperson for each of the panels established by recommendations (i) to (v).
- b) agree that in the event that any member appointed by the committee under resolutions (i) to (v) is unavailable, the chairperson of the Regulatory and Bylaws Committee be delegated the power to make a replacement appointment.
- c) request that the chairperson of the Regulatory and Bylaws committee is delegated the power to make appointments to those panels noted in recommendation (a) above, by early February, and that the names of the panel members are presented to the Regulatory and Bylaws Committee at the next committee meeting for the committee's endorsement.

CARRIED

14 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

11.10 am

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

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE REGULATORY AND
BYLAWS COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....