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## Regulatory and Bylaws Committee

### OPEN MINUTES

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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, 20 May 2014 at 9.30am.

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#### PRESENT

<b>Chairperson</b>	Calum Penrose	
<b>Deputy Chairperson</b>	Denise Krum	
<b>Members</b>	Cr Bill Cashmore	
	Cr Linda Cooper, JP	
	Cr Alf Filipaina	
	Cr Sharon Stewart, QSM	From 10.05am, Item 10
	Cr John Watson	

#### APOLOGIES

Cr Sharon Stewart, QSM	lateness
Member Glenn Wilcox	absence
Cr George Wood, CNZM	absence
Deputy Mayor Penny Hulse (Ex-officio)	absence

#### ALSO PRESENT

Cr Dr Cathy Casey	From 9.34am, Item 9
Cr Hon Chris Fletcher, QSO	From 10.31am, Item 10
Cr Penny Webster	From 10.39am, Item 10

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**1 Apologies**

Resolution number RBC/2014/17

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

**That the Regulatory and Bylaws Committee:**

- a) **accept an apology from Cr SL Stewart for lateness, and Member G Wilcox, Cr GS Wood and Deputy Mayor PA Hulse for absence.**

**CARRIED**

**2 Declaration of Interest**

There were no declarations of interest.

**3 Confirmation of Minutes**

Resolution number RBC/2014/18

MOVED by Cr WB Cashmore, seconded by Cr LA Cooper:

**That the Regulatory and Bylaws Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Wednesday, 19 March 2014, including the confidential section, as a true and correct record.**

**CARRIED**

**4 Petitions**

There were no petitions.

**5 Public Input**

There was no public input.

**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 Lapsing of the Auckland City Council Hazardous Substances Bylaw 2008**

*Cr C Casey entered the meeting at 9.34am.*

Resolution number RBC/2014/19

MOVED by Cr LA Cooper, seconded by Cr WB Cashmore:

**That the Regulatory and Bylaws Committee:**

- a) **agree that the Auckland City Council Hazardous Substances Bylaw 2008 not be confirmed, amended or revoked so that on 31 October 2015 the bylaw is revoked by section 63 of the Local Government (Auckland Transitional Provisions) Act 2010.**

**CARRIED**

**10 Statement of Proposal for proposed Trading and Events in Public Places Bylaw 2014**

A PowerPoint presentation was provided. A copy has been placed on the official copy of the minutes and is available on the Auckland Council website as a minutes attachment.

*Cr SL Stewart entered the meeting at 10.05am.*

*Cr C Fletcher entered the meeting at 10.31am.*

*Cr P Webster entered the meeting at 10.39am.*

Resolution number RBC/2014/20

MOVED by Deputy Chairperson DA Krum, seconded by Cr WB Cashmore:

**That the Regulatory and Bylaws Committee:**

- a) **recommend to the governing body of Auckland Council that it resolves (i) to (vii) as follows:**
- i) **that pursuant to section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the issues relating to the following activities:**
    - i) **markets and stalls;**
    - ii) **mobile shops;**
    - iii) **outdoor dining areas;**
    - iv) **fundraising;**
    - v) **offering commercial services;**
    - vi) **distributing promotional material and / or goods;**
    - vii) **street performances / busking and pavement artists;**
    - viii) **events and filming in public places;**
    - ix) **trading activities in parks and reserves.**
  - ii) **that pursuant to section 155(2)(a) of the Local Government Act 2002, the proposed trading and events in public places bylaw (Attachment C) is the most appropriate form of bylaw to address problems related to trading and events in public places identified as in scope;**

- iii) that pursuant to section 155(2)(b) and section 155(3) of the Local Government Act 2002, the proposed trading and events in public places bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990;
- iv) that pursuant to section 62 of the Local Government (Auckland Transitional Provisions) Act 2010, the Auckland Council proposes to revoke those clauses of the existing eight legacy bylaws that deal with the issues of trading and events in public places (and replace them with a new region-wide bylaw on trading and events in public places);
- v) that pursuant to sections 145, 146 and 149 of the Local Government Act 2002, the proposed trading and events in public places bylaw is for the purposes of:
  - i) regulating trading activities and the conduct of persons selling or offering goods or services in public places by requiring approval from the council, Auckland Transport or other council controlled organisation;
  - ii) regulating events and filming in roads and other public places by requiring operators to obtain an approval;
  - iii) setting general and specific conditions for trading and events in public places to ensure that appropriate standards of health and safety, pedestrian and vehicle access and visual amenity are maintained;
  - iv) prescribing for fees in respect of any approval obtained for undertaking any trading activity or events in a public place.
- vi) that pursuant to sections 83 and 86 of the Local Government Act 2002, Attachment A: Statement of Proposal be adopted for public consultation (noting that portions of this Statement of Proposal relate to Auckland Transport and that decisions relating to those portions will be made by Auckland Transport's board);
- vii) that the Manager, Policies and Bylaws be authorised to make any minor edits or amendments to the Statement of Proposal to correct any identified errors or typographical edits or to reflect decisions made by the Regulatory and Bylaws Committee or the Governing Body.

**CARRIED**

#### **Attachments**

A 20 May 2014 Item 10 - Powerpoint presentation

#### **11 Appointments to bylaws hearings panels: outdoor fires, stormwater management, air quality, trading in public places, cemeteries and crematoria, and animal management**

Resolution number RBC/2014/21

MOVED by Cr LA Cooper, seconded by Deputy Chairperson DA Krum:

#### **That the Regulatory and Bylaws Committee:**

- a) endorse the following appointments to the hearing panel to hear submissions, deliberate and make recommendations to the governing body of Auckland Council on the review of the outdoor fires bylaws: Cr B Cashmore (Chair), Cr R Clow, Cr C Penrose, Cr S Stewart, and one member of the Independent Māori Statutory Board.

- b) endorse the following appointments to the hearing panel 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): Cr B Cashmore, Cr C Darby, Cr C Penrose, Cr P Webster, Cr G Wood (Chair), and one member of the Independent Māori Statutory Board.
- c) endorse the following appointments to the hearing panel 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): Cr C Brewer, Cr R Clow, Cr A Filipaina, Cr D Krum (Chair), and one member of the Independent Māori Statutory Board.
- d) appoint the following 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 and events in public places bylaws (including any proposed new bylaw): Cr Cathy Casey, Cr Denise Krum (Chair), Cr C Penrose, Cr Penny Webster, one member of the Independent Māori Statutory Board, and members to be determined by Auckland Transport.
- e) appoint the following hearing panel to hear submissions, deliberate and make recommendations to the governing body of Auckland Council on the review of the cemeteries and crematoria bylaws (including any proposed new bylaw): Cr C Casey, Cr L Cooper, Cr C Penrose (Chair), Cr G Wood, and one member of the Independent Māori Statutory Board.
- f) appoint the following hearing panel to hear submissions, deliberate and make recommendations to the governing body of Auckland Council on the review of the animal management bylaws (including any proposed new bylaw): Cr B Cashmore (Chair), Cr C Casey, Cr L Cooper, Cr C Penrose, Cr S Stewart, and one member of the Independent Māori Statutory Board.
- g) agree that in the event that any member appointed by the committee under resolutions (a) to (f) is unavailable, the chairperson of the Regulatory and Bylaws Committee be delegated the power to make a replacement appointment.

**CARRIED**

## 12 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

10.45 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:**.....