



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, 19 August 2014 at 1.30pm.

PRESENT

Chairperson
Deputy Chairperson
Members

Calum Penrose
Denise Krum
Cr Bill Cashmore
Cr John Watson
Member Glenn Wilcox
Cr George Wood, CNZM

From 1.37pm, Item 9

APOLOGIES

Cr Alf Filipaina
Cr Linda Cooper
Cr Sharon Stewart, QSM

For absence
For leave of absence
lateness

ALSO PRESENT

Cr Cathy Casey

1 Apologies

Resolution number RBC/2014/30

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

That the Regulatory and Bylaws Committee:

- a) **accept the apologies from Cr AM Filipaina for absence, Cr LA Cooper for leave of absence and Cr SL Stewart for lateness.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number RBC/2014/31

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

That the Regulatory and Bylaws Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 22 July 2014, 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 Information Only: Resolutions from the Independent Māori Statutory Board - Bylaws Hearings Appointments

Cr J Watson entered the meeting at 1.37 pm.

Resolution number RBC/2014/32

MOVED by Member GS Wood, seconded by Member G Wilcox:

That the Regulatory and Bylaws Committee:

- a) note the Independent Māori Statutory Board resolved as follows at its 14 July 2014 meeting:

Board Appointments to Proposed Auckland Council Policy and Bylaws Hearings Panels

Resolution number IMSB/2014/59

MOVED by L Ngamane, seconded by K Wilson:

That the Independent Māori Statutory Board:

a) receives this report;

b) agrees to appoint one Board member to the following Hearings Panels:

i) Outdoor Fires

ii) Stormwater Management

iii) Air Quality

iv) Trading and Events in Public Places

c) Agrees that Glenn Wilcox will be the Board's representative on these panels and that the [IMSB] Chair will authorize any replacements required.

CARRIED

10 Feedback for Proposed Long-term Plan 2015-2025 Performance Measures

Resolution number RBC/2014/33

MOVED by Deputy Chairperson DA Krum, seconded by Member GS Wood:

That the Regulatory and Bylaws Committee:

- a) receive the draft level of service statements and performance measures for the Regulation groups of activity.
- b) provide feedback on the proposed statements and measures, either through this committee meeting or subsequently by emailing longtermplan@aucklandcouncil.govt.nz.

CARRIED

11 Stormwater Bylaw Review 2014 - Statement of Proposal

Resolution number RBC/2014/34

MOVED by Member G Wilcox, seconded by Cr J Watson:

That the Regulatory and Bylaws Committee:

- a) recommend to the governing body of Auckland Council that it resolves (i) to (vi) as follows:
- i) That pursuant to section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way to:
 - manage the development and maintenance of the stormwater and land drainage network, and the land, structures, and infrastructure associated with that network;
 - protect the stormwater and land drainage network, and the land, structures, and infrastructure associated with that network, from damage, misuse or loss;
 - manage the use of the stormwater and land drainage network, and the land, structures, and infrastructure associated with that network, and provide for the conditions on which connections to the public stormwater network may be made or maintained;
 - prevent interference with the stormwater and land drainage network, and the land, structures, and infrastructure associated with that network;
 - manage the stormwater and land drainage network, and the land, structures, and infrastructure associated with that network, so as to protect the public from nuisance and promote and maintain public health and safety;
 - provide measures to support the management and enhancement of the natural part of the stormwater network; and
 - ensure the maintenance and operation of private stormwater systems, the removal of redundant stormwater systems on private land and the management of hazardous materials to prevent damage to the stormwater network.
 - ii) That pursuant to section 155(2)(a) of the Local Government Act 2002, the proposed Stormwater Bylaw 2014 (*Appendix 1 to the Statement of Proposal*) is the most appropriate form of bylaw to address problems related to the management of stormwater identified as in scope
 - iii) That pursuant to section 155(2)(b) and section 155(3) of the Local Government Act 2002, the proposed Stormwater Bylaw 2014 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 the following legacy stormwater bylaws (and replace them with a new region-wide stormwater):
 - Auckland City Council Bylaw No 18 Stormwater Management 2008;
 - Papakura District Council Stormwater Bylaw 2008; and
 - Chapter 21 (Stormwater drainage) of the Rodney District Council General Bylaw 1998.
 - v) That pursuant to sections 83 and 86 of the Local Government Act 2002, Attachment A: *Statement of proposal - Review of stormwater bylaws* be adopted for public consultation
 - vi) agree 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 Governing Body.

- b) agree 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.

CARRIED

12 Outdoor Fires Bylaw Review - Statement of Proposal

Resolution number RBC/2014/35

MOVED by Deputy Chairperson DA Krum, seconded by Cr J Watson:

That the Regulatory and Bylaws Committee:

- a) recommend to the governing body of Auckland Council that it resolve (i) to (v) as follows:
- i) that pursuant to section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing certain issues relating to outdoor fires as identified in Attachment A;
 - ii) that under section 155(2)(b) of the Local Government Act 2002, the proposed Outdoor Fire Safety Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990;
 - iii) that under section 62 of the Local Government (Auckland Transitional Provisions) Act 2010, the Auckland Council proposes to revoke in full the four bylaws relating to outdoor fires (to be replaced with a new Auckland-wide bylaw on outdoor fire safety);
 - iv) that under sections 83 and 86 of the Local Government Act 2002, Attachment A: Statement of Proposal “Outdoor Fire Safety Bylaw, August 2014” be adopted for public consultation using the special consultative procedure.
 - v) agree 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 Governing Body.
- b) agree 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 that affect the Auckland Council bylaw.

CARRIED

13 Signage Bylaw Review - Statement of Proposal

Resolution number RBC/2014/36

MOVED by Member GS Wood, seconded by Deputy Chairperson DA Krum:

That the Regulatory and Bylaws Committee

- a) **recommend to the governing body of Auckland Council that it resolve (i) to (viii) 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 display of signage that is on or visible from any road or from any public place under the management and control of the Auckland Council or a substantive council-controlled organisation and which is not part of the Auckland transport system;**
 - ii) **that pursuant to section 155(2)(a) of the Local Government Act 2002, the proposed draft Auckland Council signage bylaw is the most appropriate form of bylaw to address problems related to signage advertising commercial sexual services;**
 - iii) **that pursuant to section 155(2)(b) and section 155(3) of the Local Government Act 2002, as described in part 9 of the attached Statement of Proposal (Attachment A), the proposed draft combined Auckland Council and Auckland Transport signage 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 and 156 of the Local Government Act 2002, Auckland Council revokes those clauses of the existing eleven bylaws that deal with issues of signage (and replaces them with a new Auckland-wide signage bylaw);**
 - v) **that pursuant to sections 145, 146 and 149 of the Local Government Act 2002 and section 22(AB)(1)(y) and (zk) of the Land Transport Act 1998, the proposed draft combined Auckland Council and Auckland Transport signage bylaw is for the purposes of:**
 - (a) **providing for the safety of vehicular and pedestrian traffic on any road or public place under the management and control of the Auckland Council or a substantive council-controlled organisation and which is not part of the Auckland transport system, by limiting obstruction and distraction caused by signage;**
 - (b) **protecting the public from nuisance and from harm or damage caused by the poor maintenance or abandonment of signage;**
 - (c) **assist in enhancing, maintaining, and promoting the visual amenity value of Auckland's cultural character, and its built and natural environments**
 - (d) **enabling the economic benefits to Auckland that are provided through signage;**
 - (e) **assist in protecting council-owned or controlled assets from damage or misuse.**
 - vi) **that pursuant to sections 83 and 86 of the Local Government Act 2002, Attachment A: Statement of Proposal (including a report on the expected impacts of the proposed bylaw and the scale of change (Attachment A: Appendix 1), a proposed Auckland Council Signage Bylaw (combined with an Auckland Transport signage bylaw(Attachment A; Appendix 2) and a**

revocation of the legacy signs bylaw provisions) be approved 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 pursuant to section 63 of the Local Government (Auckland Transitional Provisions) Act 2010 Auckland Council confirms the following legacy council bylaws remain in force until such time as the proposed new signage bylaw becomes operational:
 - (a) Auckland City Council Signs Bylaw 2007;
 - (b) Franklin District Council Control of Signs Bylaw 2007;
 - (c) Chapter 19 (Temporary Signs) of the Manukau City Consolidated Bylaw 2008;
 - (d) North Shore City Part 12 (Control of Temporary Signs) Bylaw 2000;
 - (e) Papakura District Council Control of Advertising Signs Bylaw 2008;
 - (f) Rodney District Council, Chapter 22 of the General Bylaw 1998, (Temporary Signs).
- viii) agree 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 Governing Body.
- b) appoint a hearing panel comprised of Cr WB Cashmore, Cr CM Penrose, Cr GS Wood, two representatives nominated by Auckland Transport and one by the Independent Māori Statutory Board, to hear submissions on the review of the signage bylaws, deliberate and make recommendations to the governing body and to the Board of Auckland Transport.
- c) delegate to the chairperson of the Regulatory and Bylaws Committee the power to appoint one of the hearing panel members as the Chair and make a replacement appointment to the hearings panel in the event that any member appointed by the committee under resolution (b) is unavailable.
- d) agree 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.

CARRIED

14 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

2.50 pm

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:.....