



I hereby give notice that an ordinary meeting of the Regulatory and Bylaws Committee will be held on:

**Date:** Tuesday, 21 October 2014  
**Time:** 9.30am  
**Meeting Room:** Reception Lounge  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

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## **Regulatory and Bylaws Committee**

### **OPEN AGENDA**

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#### **MEMBERSHIP**

<b>Chairperson</b>	Cr Calum Penrose
<b>Deputy Chairperson</b>	Cr Denise Krum
<b>Members</b>	Cr Bill Cashmore
	Cr Linda Cooper, JP
	Cr Alf Filipaina
	Cr Sharon Stewart, QSM
	Member John Tamihere
	Cr John Watson
	Member Glenn Wilcox
	Cr George Wood, CNZM
<b>Ex-officio</b>	Mayor Len Brown, JP
	Deputy Mayor Penny Hulse

(Quorum 5 members)

**Rita Bento-Allpress**  
**Democracy Advisor**

**16 October 2014**

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## TERMS OF REFERENCE

The Regulatory and Bylaws Committee will be responsible for:

- Considering and making recommendations to the Governing Body regarding the regulatory and bylaw delegations (including to Local Boards);
- Regulatory fees and charges in accordance with the funding policy;
- Recommend bylaws to Governing Body for special consultative procedure;
- Appointing hearings panels for bylaw matters;
- Review Local Board and Auckland water organisation proposed bylaws and recommend to Governing Body;
- Set regulatory policy and controls, and maintain an oversight of regulatory performance;
- Engaging with local boards on bylaw development and review; and
- Exercising the Council's powers, duties and discretions under the Sale of Liquor Act 1989 and the Sale and Supply of Alcohol Act 2012

### **Relevant legislation includes but is not limited to:**

Local Government Act 2002;  
Resource Management Act 1991;  
Local Government (Auckland Council) Act 2009;  
Health Act 1956;  
Dog Control Act 1996;  
Waste Minimisation Act 2008;  
Land Transport Act 1994;  
Maritime Transport Act 1994;  
Sale of Liquor Act 1989;  
Sale and Supply of Alcohol Act 2012; and  
All Bylaws.

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10	Introduction of a new Air Quality Bylaw	
	This report was not available at the time the agenda went to print and will be distributed under separate cover.	
11	Consideration of Extraordinary Items	



**1 Apologies**

At the close of the agenda no apologies had been received.

**2 Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

**3 Confirmation of Minutes**

That the Regulatory and Bylaws Committee:

- a) confirm the ordinary minutes of its meeting, held on Tuesday, 16 September 2014, as a true and correct record.

**4 Petitions**

At the close of the agenda no requests to present petitions had been received.

**5 Public Input**

Standing Order 3.21 provides for Public Input. Applications to speak must be made to the Committee Secretary, in writing, no later than **two (2)** working days prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of **thirty (30) minutes** is allocated to the period for public input with **five (5)** minutes speaking time for each speaker.

At the close of the agenda no requests for public input had been received.

**6 Local Board Input**

Standing Order 3.22 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to **five (5)** minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give **two (2)** days notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 3.9.14 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

**7 Extraordinary Business**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the

public,-

- (i) The reason why the item is not on the agenda; and
- (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
  - (i) That item is a minor matter relating to the general business of the local authority; and
  - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

## **8 Notices of Motion**

At the close of the agenda no requests for notices of motion had been received.

## Integrated bylaw review and implementation (IBRI) update - October 2014

File No.: CP2014/23793

### Purpose

1. This report provides an update on the Integrated Bylaw Review and Implementation programme, noting its progress towards delivering a set of bylaws that are appropriate for Auckland by October 2015.

### Executive summary

2. The Integrated Bylaw Review and Implementation (IBRI) programme is reviewing the set of legacy bylaws and supporting the adoption and implementation of new bylaws that are appropriate for Auckland, by October 2015.
3. Progress has been made on the review and implementation stages for several topics. The final **Navigation Safety Bylaw** and **Cemeteries and Crematoria Bylaw** have now been adopted by the governing body and will come into force in October and November 2014.
4. Seven bylaw proposals were open for formal public consultation from August to October. These are the **Trading and Events in Public Places Bylaw**, the **Alcohol Control Bylaw**, the **Animal Management Bylaw** (covering animals other than dogs), an amendment to the **Health and Hygiene Bylaw**, the **Signage Bylaw**, the **Stormwater Bylaw** and the **Outdoor Fire Safety Bylaw**. Consultation around these topics has been coordinated to ensure that a coherent view is presented to the public across these topics and in the context of other work.
5. The Alcohol Control Bylaw proposal includes recommended delegations to local boards to allow a timely review of the current alcohol bans in each local board area, and these reviews are now underway.
6. The proposed **Traffic Bylaw** (covering council controlled land such as parks) was endorsed for consultation by the governing body at its September meeting. A proposed **Air Quality Bylaw** will shortly be considered, for endorsement for consultation.
7. The 2014 programme for review of local **dog access rules** is close to being completed across the local boards that proposed changes this year. Changes have now been endorsed by the governing body and implementation planning is working towards the October start date for the amended access rules.
8. Detailed planning to support the coming in to force of the **Navigation Safety Bylaw** and the **Cemeteries and Crematoria Bylaw** is underway. For the Navigation Safety Bylaw this includes signage and a media campaign to raise awareness of the key changes, supported by targeted activities at the main boat ramps.
9. Detailed planning is also underway for implementing the final outcomes from the bylaw proposals noted above that have recently been consulted on. Several of these are planned to come into force for 1 July 2015 to align with a streamlined fees structure that is being considered as part of the long-term plan process.
10. No formal requests for local board bylaws have been received over the period covered by this report.

### Recommendation/s

That the Regulatory and Bylaws Committee:

- a) note the progress of the Integrated Bylaw Review and Implementation programme towards its completion of the delivery of new bylaws by October 2015.

## Comments

### Background to the Integrated bylaw review and implementation programme

11. Auckland Council inherited a set of legacy bylaws from the former councils, covering approximately 30 topics. These bylaws expire at the end of October 2015.
12. The Integrated Bylaw Review and Implementation programme has been established to review these bylaws and prepare a new bylaw for each topic where appropriate, and to make and communicate the necessary changes so that the council can operate the new bylaws and achieve the outcomes sought from each bylaw. The programme will also work with affected parties where a legacy bylaw is not replaced by a new bylaw.
13. Both the Regulatory and Bylaws Committee and local boards receive regular updates on the programme. The previous update was provided to the committee in July 2014 (refer CP2014/15415 and RBC/2014/29). This report covers July to September 2014. It provides an update on the various topics included in the programme, and attachment A provides an overview of the timeline through to October 2015.

### Update on review stage for bylaw topics

14. Table one and table two below show the current status of the review topics and provide further comments for particular topics.
15. This includes bylaws that may be folded into or managed under other topics (Arkles Bay set netting, Orakei Basin), the ongoing local boards' review of dog access rules, regional film fees, and the review that must take place within five years of any bylaw's adoption.
16. Local boards engagement is now underway for the next topics in the review including **review of current alcohol controls, environmental protection and regional film fees.**

**Table 1:** Summary of status and next steps for review of bylaw topics

Topic	Status and Progress – 7 stages							Comments	
	Status	1-Preparation	2-Pre-consultation	3-Options	4-Write Bylaw	5-Adopt draft	6-Spec Cons Proc		7-Adopt final
<b>Reviews completed</b>									
Dog management	G								Completed
Election signs	G								Completed
Food safety	G								Completed
General administration	G								Completed
Hazardous substances	G								Completed
Health and hygiene	G								Completed
Offensive trades	G								Completed
Public safety and nuisance	G								Completed
Solid waste (Waste m/ment)	G								Completed
Trade waste	G								Completed
Transport (Auckland Transport)	G								Completed
Navigation safety (including lifejackets)	G								Completed
Cemeteries and crematoria	G								Completed
Election signs (amendment)	G								Completed

Topic	Status and Progress – 7 stages							Comments
	Status	1-Preparation	2-Pre-consultation	3-Options	4-Write Bylaw	5-Adopt draft	6-Spec Cons Proc	
<b>Work programme</b>								
Outdoor fire safety	G							
Trading and events in public places	G							
Stormwater management	G							
Signage	G							
Alcohol control	G							See below
Animal management	G							
Health & hygiene amendment	G							See below
Air quality	G							
Boarding houses and hostels	G							
Commercial sex industry	A							See below
Construction and development	G							Covered under Environmental protection
Onsite wastewater	G							
Orakei Basin	G							
Recreational and cultural facilities	G							
Traffic (Parks and other council controlled land)	G							
Water supply and wastewater (reticulation)	G							
Wharves & marinas	G							
Environmental protection	G							See below
Alcohol licensing fees	A							On hold
<b>Other work</b>								
Review - local dog access rules	G							See below
Freedom camping	G							
Arkles Bay set netting	G							See below
Regional film fees	G							See below
Five year reviews	B							

Status summary codes

<b>G</b>	Green - Work is progressing as planned, due date will be met or any revised date will not have wider impacts
<b>A</b>	Amber – Original due date at risk of being missed and this may have wider impacts; or an issue has arisen.
<b>R</b>	Red - Due date has or will be missed and this will have wider impacts; or an issue has arisen that will have wider or significant impacts.
<b>B</b>	Blue - Not yet scheduled. However, background work is underway.

**Table 2:** Additional comments for particular topics in the bylaw review programme

<b>Alcohol control</b>	On track <b>G</b>
<p>The Alcohol Control Bylaw will allow the council to put alcohol bans (previously call liquor bans) in place. These bans prohibit the consumption or possession of alcohol in specified public places, at particular times. Alcohol bans can work alongside other regulatory and non-regulatory tools to help minimise the harm that can be associated with alcohol.</p> <p>A proposed bylaw was adopted by the governing body on 31 July 2014 and was open for public consultation from 15 August to 15 September. The bylaw includes criteria to help evaluate any request for an alcohol ban, based on the requirements of the enabling legislation. It has also been designed to support a range of approaches to help communities manage problems associated with alcohol use. A final bylaw could be in place by December 2014.</p> <p>The current proposal does not include a review of the existing alcohol bans or the making of new alcohol bans. The existing alcohol bans need to be reviewed by October 2015, and local boards are now receiving further information on how they can carry out their proposed role for this review.</p>	
<b>Health &amp; hygiene amendment</b>	On track <b>G</b>
<p>The Health and Hygiene Bylaw 2013 was adopted by the council in 2013 and came into force on 1 July 2014. The bylaw and code, as adopted, requires pharmacists to obtain a licence under the bylaw if they offer commercial ear-piercing services. Subsequently, industry representatives provided further information on how public health is protected through existing central government regulation and industry-based standards.</p> <p>An amendment has been proposed to the bylaw that would exempt pharmacists from the requirement to obtain this licence under the bylaw when they provide commercial ear-piercing services. Public consultation was open from 15 August to 15 September, and submissions are now being analysed. A decision on any final amendment could be made by December 2014.</p>	
<b>Commercial sex industry</b>	On hold <b>A</b>
<p>The legacy brothel and commercial sex industry bylaws cover health protection, signage and location requirements. All three of these elements are proposed to be covered in other ways, so it is likely that the legacy bylaws will be allowed to lapse.</p> <p>In particular, the health protection elements are covered in the council's Health and Hygiene Bylaw 2013 (now in force), and signage elements are covered in the proposed Signage Bylaw that was recently consulted on and which could be in force from July 2015. Location rules are included in the Proposed Auckland Unitary Plan.</p> <p>A report is being prepared for the November meeting of the Regional Strategy and Policy Committee to advance the council's approach to this industry.</p>	
<b>Environmental protection</b>	On track <b>G</b>
<p>Environmental protection bylaws typically deal with issues on private property that can have public safety and nuisance aspects. Activities covered can include storage of refuse that can harbour rodents or other animal pests, or inappropriate storage of refuse, offensive matter or chemicals.</p> <p>These issues are currently being discussed with local boards, and it is expected that a proposed bylaw will be reported to this committee shortly. The bylaw could also cover some construction related activities, including addressing issues related to public health elements of cooling towers.</p>	
<b>Local dog access review</b>	On track <b>G</b>
<p>The 2014 local board dog access review included some areas within the following local boards: Kaipatiki, Orakei, Maungakiekie-Tamaki, Puketapapa, and Hibiscus and Bays.</p>	

Submissions on the proposed changes closed on 23 July 2014. Panels established by the relevant local boards considered the submissions, held hearings and reported to their respective local boards. These changes have now been adopted by each of the local boards.

Corresponding changes to the Dog Management Bylaw 2012 must be adopted by the governing body. The changes for the Kaipatiki, Maungakiekie-Tamaki, Puketapapa and Hibiscus and Bays Local Board areas were considered and endorsed by the governing body in September and will come into effect for October 2014. Changes for the Orakei Local Board area will be considered at the October meeting of the governing body, and are proposed come into effect shortly after that meeting.

Further access review changes are planned for the next three years. Work is now underway for local boards that are involved in the 2015 review programme.

**Arkles Bay Set netting**

On track **G**

The former Rodney District Council had a bylaw that prohibited set netting at Arkles Bay on the Whangaparaoa Peninsula. This bylaw remains in force, however future prohibitions of this type can now be achieved by making a control under the Auckland Council Public Safety and Nuisance Bylaw.

Work is now underway to prepare a temporary seasonal ban on set netting for beaches adjacent to Shakespear Regional Park. The ban is proposed to be in place annually from late December to Easter. Consultation, including a meeting with iwi representatives, has been planned for October. Following this, a report on proposed controls will be provided to the Hibiscus and Bays Local Board. A report is also being presented to the October meeting of the Pacific Peoples Advisory Panel.

**Regional film fees**

On track **G**

There are around 500 permit applications for filming activity each year, including many on local parks. The Auckland Film Protocol expresses the council's intention to welcome filming, support this activity and maximise the financial and other benefits it brings to Auckland. The protocol also includes measures to ensure filming's impacts on communities are well managed.

When the Film Protocol was adopted in 2013 several local boards asked that further work be carried out to understand how local communities can get more benefit from filming. The regional film fees project responds to part of that request. It will review how fees for filming can be set and managed, and how council's direct revenue associated with filming permits can be used to meet the costs of facilitating filming and to improve the public spaces (including parks and streetscapes) that are used by film-makers.

Further information is being provided to local boards through September and October. Following this a report will be presented to the Regional Strategy and Policy Committee, covering any new approach to charges for filming and corresponding amendments to the Film Protocol.

**Update on implementation stage for new bylaws**

17. Table three and table four below show the current status of implementation projects and further comments for particular implementation projects.

**Table 3:** Summary of status and next steps for implementation projects

Implementation project name	Status and Progress					Link to bylaw topics / Other comments
	Status	1-Preparation	2-Planning	3-Implementation	4-Closure	
<b>Completed</b>						
Alcohol licensing readiness	G					Completed
Animals (Stage 1)	G					Completed
Electoral Signs 2013	G					Completed
Food safety	G					Completed
Public safety & nuisance	G					Completed
Health protection	G					Completed
<b>Underway</b>						
Dog access review 2014	G					See below
Electoral Signs 2014	G					
Environmental	G					
Facilities	G					Including Cemeteries
Marine	G					Navigation safety – see below
Revoked and lapsing bylaws	G					General admin; Offensive trades; Others
Signage	G					
Stormwater	G					
Street trading	G					
Waste management	G					Solid waste bylaw
Animals (stage 2)	G					
Alcohol controls	G					
Air quality	G					
<b>Proposed future</b>						
Construction	B					
Transport (AC land)	B					
Alcohol licensing fees	A					See below

**Table 4:** Additional comments for particular implementation projects

<b>Dog access review 2014</b>	On Track <b>G</b>
Implementation work to support the changes to dog access that come into effect in October will be completed shortly. This includes reviewing the extent of signage across affected areas and updating this where necessary.	

The process of notifying dog owners of the proposed changes as part of the annual dog registration cycle has worked well.

**Marine (including Navigation safety)**

On Track **G**

The new Navigation Safety Bylaw will come into force for the 2014/2015 summer. The bylaw includes key changes around the wearing of lifejackets on vessels under six metres in length.

An education and information campaign has been prepared and is about to start to support this and other changes that the bylaw introduces. Signs will be updated at key boat ramps across Auckland and this will be supported by further information on the council website and media activities. The project will deliver some activities at the key boat ramps to ensure a wider audience is aware of the changes, and the council is also working with other water safety organisations to deliver these safety messages to the community.

**Alcohol licensing fees**

On hold **A**

The governing body considered a report on the costs involved in delivering alcohol licensing services in August 2013. It endorsed adopting a bylaw so the council could set its own alcohol licensing fee amounts, to take affect from 1 July 2014 (refer governing body meeting of 22 August 2013, item 13, GB/2013/83).

A further report has now been considered by the Regional Strategy and Policy Committee (7 August, item 11). The report provided an update on this matter, noting that revenue collected to date effectively covers relevant operating costs. The committee endorsed the council continuing to use the default licensing fees set by central government and that a further update should be provided early in 2015 (refer REG/2014/101).

## Consideration

### Local board views and implications

18. Local boards are involved in the review of each bylaw topic (consistent with the review's principles). This report provides an update on the programme, but does not raise any issues specific to local boards apart from those already noted above.
19. No proposals for local bylaws have been received through the above period.

### Maori impact statement

20. This report does not raise any specific issues relating to Māori. The review of each topic includes considering whether that topic includes any elements of special interest to Māori, and if so the appropriate way to seek a greater level of engagement. Where appropriate, consultation with Māori (on a particular topic) may be linked to consultation on other related topics through the Unitary Plan or other initiatives.

### General

21. The recommendations in this report do not trigger the council's policy on significance.

### Implementation

22. The IBRI programme includes implementation and delivery for each bylaw, as noted above. This includes working with internal and external stakeholders as relevant to each

## Attachments

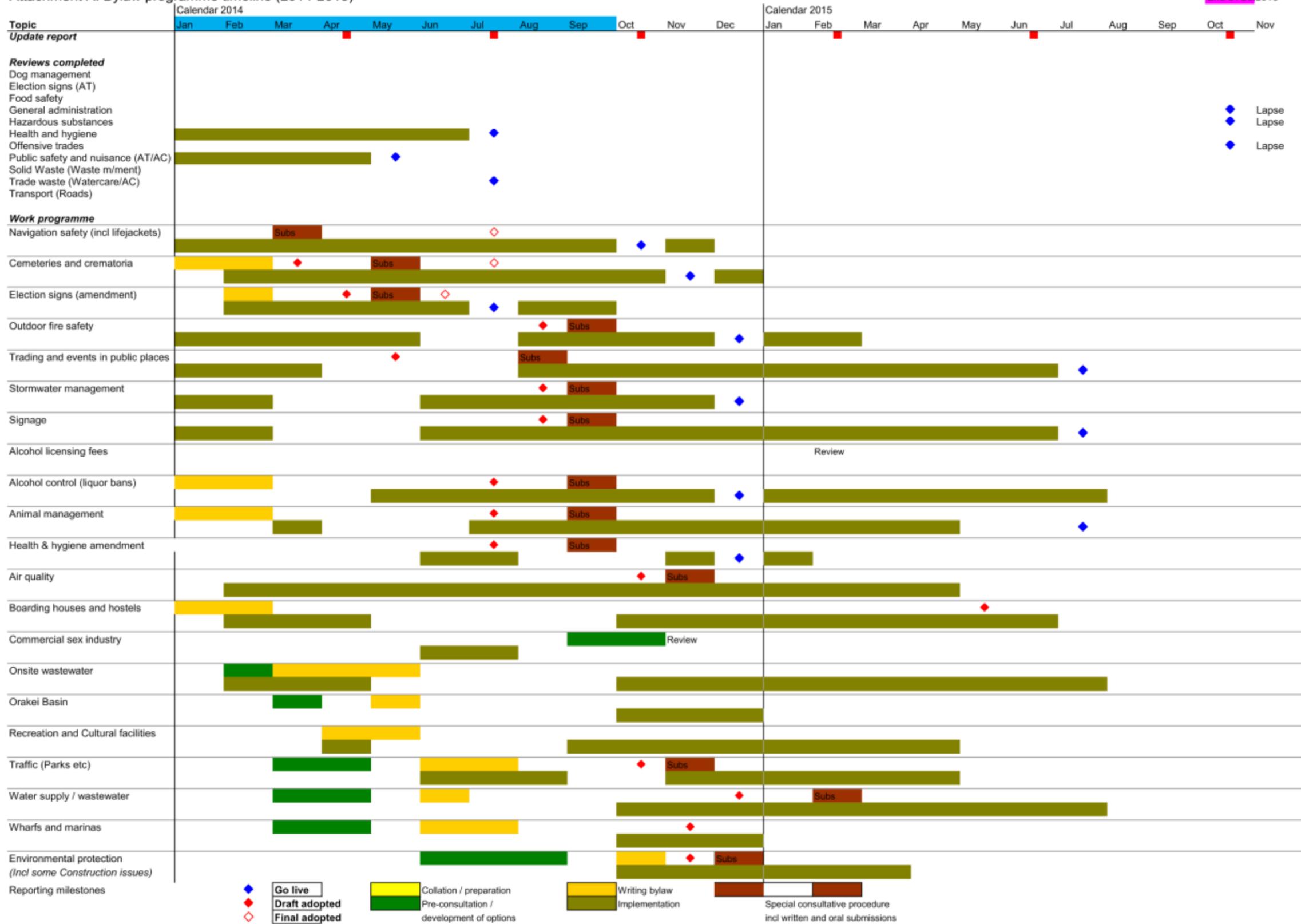
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A	Bylaw programme timeline (2014 - 2015)	15

## Signatories

Authors	Helgard Wagener - Team leader, Policies and Bylaws
Authorisers	Warren Maclennan - Manager North West Planning

Attachment A: Bylaw programme timeline (2014-2015)

End 31 Oct 2015



Item 9

Attachment A