
Regulatory and Bylaws Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory and Bylaws Committee held in the Level 26, 135 Albert Street, Auckland on Monday, 4 May 2015 at 9.30am.

PRESENT

Chairperson
Deputy Chairperson
Members

Cr Calum Penrose
Cr Denise Krum
Cr Bill Cashmore
Cr Linda Cooper, JP
Cr Alf Filipaina
Cr Sharon Stewart, QSM
Cr John Watson
Member Glenn Wilcox
Member Karen Wilson
Cr George Wood, CNZM

From 10.01am, Item 9

ABSENT

Mayor Len Brown, JP
Deputy Mayor Penny Hulse

ALSO PRESENT

Cr Cathy Casey

1 Apologies

Resolution number RBC/2015/8

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

That the Regulatory and Bylaws Committee:

- a) **accept the apologies from Deputy Mayor PA Hulse for absence, and Cr J Watson for lateness.**

CARRIED

2 Declaration of Interest

Cr AM Filipaina declared an interest at Item 10 - Review of Alcohol Bans 2015.

3 Confirmation of Minutes

Resolution number RBC/2015/9

MOVED by Cr AM Filipaina, seconded by Cr LA Cooper:

That the Regulatory and Bylaws Committee:

- a) **confirm the ordinary minutes of its meeting, held on Wednesday, 1 April 2015, 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 Alcohol Ban Signage Guidelines

Cr J Watson entered the meeting at 10.01 am.

Secretarial Note: Changes to the original motion were made by way of replacement of recommendations a) – c), at the request of the Chair.

Resolution number RBC/2015/10

MOVED by Member K Wilson, seconded by Member G Wilcox:

That the Regulatory and Bylaws Committee:

- a) request that officers report back to the Regulatory and Bylaws Committee, or the Regional Strategy and Policy Committee, and to the Independent Māori Statutory Board, about the status of the Te Reo Māori Policy/ Framework that would assist officers when integrating te reo Māori through appropriate stages of council business, particularly in signage, as recommended through the Independent Māori Statutory Board Treaty of Waitangi Audit Review.
- b) request that the policy of Auckland Transport regarding the replacement of council signs that are removed for Auckland Transport works be reported to the Council Controlled Organisations Governance and Monitoring Committee for further discussion.

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr WB Cashmore	Cr LA Cooper	Cr J Watson
Cr AM Filipaina	Cr SL Stewart	
Deputy Chairperson DA Krum	Cr GS Wood	
Chairperson CM Penrose		
Member G Wilcox		
Member K Wilson		

The motion was declared CARRIED by 6 votes to 3.

CARRIED

10 Review of Alcohol Bans 2015

Cr A Filipaina declared an interest in the item and took no part in the discussion or voting on the matter.

Resolution number RBC/2015/11

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

That the Regulatory and Bylaws Committee:

- a) **adopt the proposal titled “Proposal Review of Alcohol Bans – Regional Significance May 2015” in Attachment C of the report for the purposes of a public submission process**
- b) **agree that the proposal contained in Attachment C of the report is in accordance with relevant requirements of the Local Government Act 2002 and Auckland Council Alcohol Control Bylaw 2014**
- c) **delegate the Manager Social Policy and Bylaws the ability to make any minor edits or amendments to the Proposal to correct any identified errors or typographical edits**
- d) **delegate the Manager Social Policy and Bylaws the ability, in consultation with the Regulatory and Bylaws Committee chair, to make any amendments to the proposal to reflect decisions made by the Regulatory and Bylaws Committee.**
- e) **appoint three Regulatory and Bylaws Committee members (one as Chair) as a panel to receive, hear and deliberate on submissions and other relevant information and recommend changes to the Regulatory and Bylaws Committee.**
- f) **delegate to the Chairperson of the Regulatory and Bylaws Committee the ability to make changes to the panel appointed under (e) where this becomes necessary because of the withdrawal or unavailability of any of those persons.**

CARRIED

11 Introduction of a new property maintenance and nuisance bylaw

Cr GS Wood left the meeting at 11.09 am.

Cr GS Wood returned to the meeting at 11.14 am.

Resolution number RBC/2015/12

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

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 of addressing the issues relating to nuisance created on private land**
 - ii) that pursuant to section 155(2)(a) and (b) and section 155(3) of the Local Government Act 2002, as described in part 9 of the attached Statement of Proposal, the proposed draft Property Maintenance and Nuisance Bylaw 2015 is not inconsistent with the New Zealand Bill of Rights Act 1990 and is the most appropriate form of bylaw**
 - iii) that pursuant to sections 83 and 86 of the Local Government Act 2002 the Statement of Proposal, and proposed draft Property Maintenance and Nuisance Bylaw 2015 (Attachment A of the report) be approved for public consultation**
 - iv) that pursuant to sections 145, 146 and 149 of the Local Government Act 2002 and section 19 of the Health Act 1955, the proposed draft Property Maintenance and Nuisance Bylaw 2015 is for the purposes of:**
 - (a) requiring private property to be kept in such a manner that it does not create a nuisance or be likely to be injurious to health;**
 - (b) protecting, promoting, and maintaining public health and safety by restricting the feeding of wild or feral animals;**
 - (c) protecting, promoting, and maintaining public health and safety by requiring all industrial water cooling tower systems to be registered with the council and regularly tested to mitigate against an outbreak of Legionnaire's Disease.**
 - v) that pursuant to section 62 of the Local Government (Auckland Transitional Provisions) Act 2010 and 156 of the Local Government Act 2002, Auckland Council proposes to revoke the following legacy council bylaws:**
 - (a) Auckland City Council Environmental Protection Bylaw 2007 – except for the definitions in clause 13.1 and clauses 13.5.1 to 13.5.6;**
 - (b) North Shore City Bylaw 2000 – Part 7 – Environmental Protection - Nuisances Arising On Private Land;**
 - (c) Waitakere City Council – Control of Intruder Alarm Systems Bylaw 2010.**
 - vi) that pursuant to section 63 of the Local Government (Auckland Transitional Provisions) Act 2010 the council proposes to confirm the definitions in clause 13.1 and clauses 13.5.1 to 13.5.6 of the Auckland City Council Environmental Protection Bylaw 2007 to ensure transitional regulation of spill lighting in the legacy Auckland City area until the Proposed Auckland Unitary Plan has legal effect.**

- b) appoint a hearing panel comprised of three elected members, of which one is appointed as chairperson of the panel, to hear submissions on the making of the draft Property Maintenance and Nuisance Bylaw 2015 and review the legacy environmental protection bylaws, deliberate and make recommendations to the Governing Body.
- c) delegate to the chairperson of the Regulatory and Bylaws Committee the power to make a replacement appointment to the hearings panel in the event that any member appointed by the committee under resolution (b) is unavailable.
- d) that the Manager, Social Policy 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

12 Building Inspection Same Day Cancellation Fee

Resolution number RBC/2015/13

MOVED by Cr LA Cooper, seconded by Cr SL Stewart:

That the Regulatory and Bylaws Committee:

- a) approve the charging of a \$135 (GST inclusive) fee for building inspections cancelled on the same day.
- b) endorse that a monitoring programme be implemented to review the effectiveness of the cancellation fee in modifying inspection booking behavior.

CARRIED

13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

11.24 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:.....