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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 Rooms 1 and 2, Level 26, 135 Albert Street, Auckland on Tuesday, 13 October 2015 at 9.31am.

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### PRESENT

<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	From 9.42am, Item 5.1
	Cr Sharon Stewart, QSM	
	Cr John Watson	
	Member Glenn Wilcox	From 9.33am, Item 5.1
	Member Karen Wilson	
	Cr George Wood, CNZM	

### ABSENT

Deputy Mayor Penny Hulse

### ALSO PRESENT

Cr Cathy Casey  
Cr Christine Fletcher  
Cr Wayne Walker  
Cr Penny Webster

### IN ATTENDANCE

Julia Parfitt  
Greg Sayers

Hibiscus and Bays Local Board Chair  
Hibiscus and Bays Local Board Deputy Chair

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## 1 Apologies

Resolution number RBC/2015/34

MOVED by Cr J Watson, seconded by Cr LA Cooper:

**That the Regulatory and Bylaws Committee:**

- a) **accept the apology from Deputy Mayor PA Hulse for absence, and from Cr AM Filipaina and Member G Wilcox for lateness.**

**CARRIED**

## 2 Declaration of Interest

Cr LA Cooper and Cr AM Filipaina declared interests in Item 10 – Hearing Panel Decision Report on Review of Alcohol Bans 2015.

## 3 Confirmation of Minutes

Resolution number RBC/2015/35

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

**That the Regulatory and Bylaws Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 11 August 2015, as a true and correct record.**

**CARRIED**

## 4 Petitions

There were no petitions.

## 5 Public Input

### 5.1 Public Input - Neil Henson - Arkles Bay Set Nets

*Member G Wilcox entered the meeting at 9.33 am.*

*Cr AM Filipaina entered the meeting at 9.42 am.*

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

Resolution number RBC/2015/36

MOVED by Deputy Chairperson DA Krum, seconded by Cr SL Stewart:

**That the Regulatory and Bylaws Committee:**

- a) **thank Neil Henson for his public input presentation.**

**CARRIED**

### **Attachments**

- A 13 October 2015, Regulatory and Bylaws Committee, Item 5.1 - Neil Henson Tabled Presentation

**5.2 Public Input - Jillian Warman - Set Nets at Arkles Bay**

Resolution number RBC/2015/37

MOVED by Member K Wilson, seconded by Cr AM Filipaina:

**That the Regulatory and Bylaws Committee:**

- a) **thank Jillian Warman for her public input presentation.**

**CARRIED**

**6 Local Board Input**

**6.1 Julia Parfitt, Hibiscus and Bays Local Board Chair - Set Netting Bylaw at Arkles Bay**

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

Resolution number RBC/2015/38

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

**That the Regulatory and Bylaws Committee:**

- a) **thank Julia Parfitt and Greg Sayers for their presentation.**

**CARRIED**

**Attachments**

- A 13 October 2015, Regulatory and Bylaws Committee, Item 6.1 - Hibiscus and Bays Local Board Tabled Presentation

**7 Extraordinary Business**

There was no extraordinary business.

**8 Notices of Motion**

There were no notices of motion.

## 9 Investigation of a set net control for Arkles Bay

Secretarial note: An amendment to the motion, which was moved by Member G Wilcox and seconded by Member K Wilson (clause b)), was added and agreed to by the mover and seconder of the motion.

MOVED by Cr J Watson, seconded by Cr SL Stewart:

That the Regulatory and Bylaws Committee:

- a) confirm that its approach to managing public safety and nuisance issues associated with set netting at Arkles Bay is to agree to:
- Option 3: make a set net control under the Public Safety and Nuisance Bylaw 2013 to prohibit set netting at Arkles Bay within 200 metres (seaward) of the Mean High Water Spring at all times.
- b) request staff, under the delegated authority of the chief executive, draft the set net control for Arkles Bay to clearly set out that it does not in any way prohibit customary fishing being carried out in accordance with the Fishing (Kaimoana Customary Fishing) Regulations 1988.

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

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

The motion was declared LOST by 4 votes to 6.

Resolution number RBC/2015/39

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

**That the Regulatory and Bylaws Committee:**

- a) **confirm that its approach to managing public safety and nuisance issues associated with set netting at Arkles Bay is to agree to:**
- Option 2: make a seasonal set net control under the Public Safety and Nuisance Bylaw 2013 to prohibit set netting at Arkles Bay within 200 metres (seaward) of the Mean High Water Spring from Labour Weekend to Easter annually.**

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

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

The motion was declared CARRIED by 8 votes to 2.

**CARRIED**

Resolution number RBC/2015/40

Member G Wilcox moved an additional motion.

MOVED by Member G Wilcox, seconded by Cr LA Cooper:

**That the Regulatory and Bylaws Committee:**

- b) request staff, under the delegated authority of the chief executive, draft the set net control for Arkles Bay to clearly set out that it does not in any way prohibit customary fishing being carried out in accordance with the Fishing (Kaimoana Customary Fishing) Regulations 1988.**

**CARRIED**

Secretarial note: Pursuant to Standing Order 1.8.6, Cr WB Cashmore, Deputy Chairperson DA Krum and Chairperson CM Penrose requested that their dissenting votes against the additional motion be recorded.

The meeting adjourned at 12.31pm and reconvened at 12.38pm.

Cr LA Cooper, Cr J Watson and Member K Wilson were not present.

## **10 Hearing Panel Decision Report on Review of Alcohol Bans 2015**

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

Resolution number RBC/2015/41

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

**That the Regulatory and Bylaws Committee:**

- a) make the alcohol bans recommended to be retained (with any amendments) as contained in Attachments B and C of the agenda report pursuant to the Auckland Council Alcohol Control Bylaw 2014, with a commencement date of 31 October 2015.**
- b) allow the alcohol bans recommended to lapse as contained in Attachment B to lapse on 31 October 2015.**
- c) confirm that the decisions in recommendations a) and b) are in accordance with relevant requirements of the Local Government Act 2002 and Auckland Council Alcohol Control Bylaw 2014.**
- d) request the Manager of Parks, Sports and Recreation to record any evidence of alcohol-related crime or disorder in maunga observed by the staff in the course of their work, in particular Ōwairaka/Te Ahi-kā-a-Rakataura (Mt Albert), Te Kōpuke/Tītīkōpuke (Mt St John), Ōhūiarangi (Pigeon Mountain), Ōtāhuhu (Mt Richmond), Maungarei (Mt Wellington), Ōhinerau (Mt Hobson), Te Tatua a Ruikiuta (Big King), to assist with any future consideration of alcohol bans in those areas.**
- e) authorise the Manager Social Policy and Bylaws to make any minor edits or amendments to Attachment B and C of the agenda report, to correct any identified errors or typographical edits.**

**CARRIED**

**11 Animal Management Activity Update**

Resolution number RBC/2015/42

MOVED by Chairperson CM Penrose, seconded by Cr GS Wood:

**That the Regulatory and Bylaws Committee:**

- a) **accept the 2014-2015 Animal Management Annual Report (Attachment A of the agenda report).**
- b) **note that Auckland Council is the statutorily mandated authority to implement the Dog Control Act 1996, including the investigation and management of dog attack incidents.**
- c) **endorse staff working with district health boards to encourage medical staff to report serious dog bites.**
- d) **endorse the strategic direction of Animal Management, to put greater emphasis on education and community engagement to foster community safety and responsible dog ownership.**

**CARRIED**

**12 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

1.09 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:**.....