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## Komiti Whakahaere ā-Ture / Regulatory Committee OPEN MINUTES

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Minutes of a meeting of the Regulatory Committee held in the Room 1, Level 26, 135 Albert St, Auckland on Thursday, 10 May 2018 at 9.31am.

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### PRESENT

<b>Chairperson</b>	Linda Cooper, JP	
<b>Members</b>	Cr Josephine Bartley	
	Cr Richard Hills	
	Cr Daniel Newman, JP	From 9.33am, Item 6
	IMSB Chair David Taipari	
	Cr Wayne Walker	From 9.42am, Item 6
	Cr John Watson	
	IMSB Member Glenn Wilcox	

### ABSENT

<b>Deputy Chairperson</b>	Deputy Mayor Bill Cashmore	
	Cr Efeso Collins	
	Mayor Hon Phil Goff, CNZM, JP	
	Cr Sharon Stewart	
	Cr Dick Quax	For leave of absence

### ALSO PRESENT

Dr Cr Cathy Casey

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## 1 Apologies

Resolution number REG/2018/33

MOVED by IMSB Chair D Taipari, seconded by IMSB Member G Wilcox:

**That the Regulatory Committee:**

- a) **accept the apologies from Deputy Chairperson Cr BC Cashmore, Mayor P Goff and Cr S Stewart for absence on Council business and Cr E Collins for absence Cr Walker for lateness.**

**CARRIED**

## 2 Declaration of Interest

There were no declarations of interest.

## 3 Confirmation of Minutes

Resolution number REG/2018/34

MOVED by Cr J Bartley, seconded by IMSB Member G Wilcox:

**That the Regulatory Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 12 April 2018, 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

*Cr D Newman entered the meeting at 9.33 am*

*Cr W Walker entered the meeting at 9.42 am*

### 6.1 Local Board Input - Mangere-Otahuhu Local Board - Health and Hygiene Bylaw Review 2018

Lemauga Lydia Sosene, Chair Mangere-Otahuhu Local Board, and Tufuga Su'a Lawrence Ah Ching Tufuga, addressed the board in support of the Health and Hygiene Bylaw Review 2018.

Resolution number REG/2018/35

MOVED by Cr J Bartley, seconded by Cr R Hills:

**That the Regulatory Committee:**

- a) **thank Lemauga Lydia Sosene, Chair Mangere-Otahuhu Local Board and Tufuga Su'a Lawrence Ah Ching Tufuga for their attendance.**

**CARRIED**

## 7 Extraordinary Business

There was no extraordinary business.

## 8 Notices of Motion

There were no notices of motion.

## 9 Health and Hygiene Bylaw Review 2018 and direction for any changes

A Powerpoint presentation was provided by staff in support of the report. A copy of the presentation has been placed on the official minutes and are available on the Auckland Council website as a minutes attachment.

Resolution number REG/2018/36

MOVED by IMSB Chair D Taipari, seconded by Chairperson L Cooper:

**That the Regulatory Committee:**

- a) **agree that council has completed its statutory review of the Auckland Council Health and Hygiene Bylaw 2013 in accordance with section 160(1) Local Government Act 2002 and determine that the outcome of the review is that:**
  - i) **a bylaw is the most appropriate way to minimise the health risks for people using services that involve contact with the human body.**
  - ii) **the Auckland Council Health and Hygiene Bylaw 2013 is not the most appropriate form of bylaw because it does not properly regulate certain services.**
  - iii) **the Auckland Council Health and Hygiene Bylaw 2013 does not give rise to any implications and is not inconsistent with the New Zealand Bill of Rights Act 1990.**
- b) **agree that Option two: amend current bylaw framework and separate code is the preferred option to better manage health and hygiene issues that responds to the statutory review findings.**
- c) **request a statement of proposal that amends the Auckland Council Health and Hygiene Bylaw 2013 as detailed in Attachment A of the agenda report for Option two: amend current bylaw framework and separate code.**

**CARRIED**

### Attachments

- A 10 May 2018 Regulatory Committee Item 9: Health and Hygiene Bylaw Review 2018 and direction for any change

## 10 Findings of the legacy on-site wastewater bylaws review

A Powerpoint presentation was provided by staff in support of the report. A copy of the presentation has been placed on the official minutes and are available on the Auckland Council website as a minutes attachment.

Resolution number REG/2018/37

MOVED by Cr D Newman, seconded by Cr J Bartley:

**That the Regulatory Committee:**

- a) **endorse the findings report, “Review of On-site Wastewater Bylaws: Findings Report April 2018” (Attachment A of the agenda report)**
- b) **agree to begin the process to revoke the following on-site wastewater legacy bylaws:**
  - i) **all clauses of the Auckland City Council Bylaws: Bylaw No. 29 (Waiheke Wastewater Bylaw 2008) (i.e. the whole legacy bylaw)**
  - ii) **residual clauses of the North Shore City Bylaw 2000: Part 20 Wastewater**
  - iii) **residual clauses of the Rodney District Council General Bylaw 1998: Chapter 20 Wastewater Drainage**
  - iv) **residual clauses of the Papakura District Council Wastewater Bylaw 2008.**
- c) **request that a Statement of Proposal to revoke the four legacy council bylaws referred in (b) above be prepared for approval.**

**CARRIED**

### **Attachments**

- A 10 May 2018 Regulatory Committee Item 10: Findings of the legacy on-site wastewater bylaws review

## 11 Review of the Public Safety and Nuisance Bylaw 2013

A Powerpoint presentation was provided by staff in support of the report. A copy of the presentation has been placed on the official minutes and are available on the Auckland Council website as a minutes attachment.

Resolution number REG/2018/38

MOVED by Cr R Hills, seconded by Cr J Bartley:

**That the Regulatory Committee:**

***As required by section 160(1) of the Local Government Act 2002***

- a) **determine that a bylaw is not the most appropriate way to address the following matters in public places:**
  - i) **noise nuisance (clause 6(1)(b))**
  - ii) **mind-altering substances (clause 6(1)(e))**
  - iii) **intimidating or nuisance begging (clause 6(1)(f))**
  - iv) **graffiti, posters, signs or advertising devices (clause 6(2)(a)).**
- b) **determine that a bylaw is the most appropriate way to address the following matters in public places:**
  - i) **wilful obstruction, disturbance or interference (clause 6(1)(a))**
  - ii) **use of any material or thing (clause 6(1)(c))**
  - iii) **fences (clause 6(1)(d))**
  - iv) **lighting fires (clause 6(2)(b)).**

- c) determine that the Auckland Council Public Safety and Nuisance Bylaw 2013 does not give rise to any unjustified implications and is not inconsistent with the New Zealand Bill of Rights Act 1990.
- d) determine that the Auckland Council Public Safety and Nuisance Bylaw 2013 is not the most appropriate form of bylaw.

*As provided for in section 160(3) of the Local Government Act 2002*

- e) request a statement of proposal that amends the Auckland Council Public Safety and Nuisance Bylaw 2013 as detailed in Attachment B of the agenda report that:
  - i) revokes bylaw clauses i) to iv) about issues in clause a) of this decision
  - ii) amends bylaw clauses i) to iv) about issues in clause b) of this decision
  - iii) amends the general form of the bylaw as detailed in Attachment B of the agenda report.

**CARRIED**

**Attachments**

- A 10 May 2018 Regulatory Committee Item 11 Review of Public Safety and Nuisance Bylaw 2013, Presentation

**12 Regulatory Committee Summary of Information Items - 10 May 2018**

Resolution number REG/2018/39

MOVED by Cr D Newman, seconded by IMSB Chair D Taipari:

**That the Regulatory Committee:**

- a) receive the information report.

**CARRIED**

**13 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

11.31 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  
COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....

