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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, 13 September 2018 at 9.30am.

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### PRESENT

<b>Chairperson</b>	Cr Linda Cooper, JP	
<b>Deputy Chairperson</b>	Deputy Mayor Cr Bill Cashmore	
<b>Members</b>	Cr Josephine Bartley	
	Cr Richard Hills	
	Cr Daniel Newman, JP	
	Cr Sharon Stewart, QSM	
	IMSB Chair David Taipari	From 9.40am, part item 5.1
	Cr Wayne Walker	From 9.48am, part item 5.1
	Cr John Watson	

### ABSENT

Cr Efeso Collins  
Mayor P Goff, CNZM, JP  
IMSB Member Glenn Wilcox

### ALSO PRESENT

Dr Cr C Casey

### IN ATTENDANCE

Peter Haynes, Albert-Eden Local Board chair  
Margi Watson, Albert-Eden Local Board member

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## 1 Apologies

Resolution number REG/2018/60

MOVED by Chairperson L Cooper, seconded by Deputy Chairperson BC Cashmore:

**That the Regulatory Committee:**

- a) **accept the apologies from Mayor P Goff, Cr E Collins and IMSB Member G Wilcox for absence.**

**CARRIED**

## 2 Declaration of Interest

There were no declarations of interest.

## 3 Confirmation of Minutes

Resolution number REG/2018/61

MOVED by Chairperson L Cooper, seconded by Cr S Stewart:

**That the Regulatory Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 9 August 2018, as a true and correct record.**

**CARRIED**

## 4 Petitions

There were no petitions.

## 5 Public Input

### 5.1 Public Input: safety issues on Stanmore Bay - Claire Teirney

*Member David Taipari entered the meeting at 9.40am.*

*Cr W Walker entered the meeting at 9.48am.*

Claire Teirney provided a presentation raising issues of vehicles on beaches. A copy is attached to the official minutes and is available on the Auckland Council website as a minute attachment.

Resolution number REG/2018/62

MOVED by Cr J Watson, seconded by Cr W Walker:

**That the Regulatory Committee:**

- a) **receive the presentation and thank Claire for her attendance.**

**CARRIED**

### Attachments

- A 13 September 2018 - Regulatory Committee Item 5.1 Public Input - safety issues on Stanmore beach presentation

## 6 Local Board Input

### 6.1 Local Board Input: Albert-Eden Local Board - Freedom Camping Bylaw development

*Cr J Watson left the meeting at 9.55 am.*

*Cr W Walker left the meeting at 9.56 am.*

*Cr W Walker returned to the meeting at 9.59 am.*

*Cr J Watson returned to the meeting at 10.03 am.*

Peter Haynes, chairperson and local board member Margi Watson, Albert-Eden Local Board addressed the committee in relation to sites

Resolution number REG/2018/63

MOVED by Cr W Walker, seconded by IMSB Chair D Taipari:

**That the Regulatory Committee:**

- a) **thank Peter Haynes and Margie Watson for their presentation.**

**CARRIED**

## 7 Extraordinary Business

There was no extraordinary business.

## 8 Direction on the Freedom Camping Bylaw Development

*Cr W Walker left the meeting at 10.34 am.*

*Cr W Walker returned to the meeting at 10.36 am.*

A copy of the sites reassessed following the Parks and Recreation Mana Whenua Engagement Forum was tabled. A copy of the document has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Note: changes to the original motion were incorporated under clauses c) and d), with the agreement of the meeting.

MOVED by Chairperson L Cooper, seconded by Deputy Chairperson BC Cashmore:

That the Regulatory Committee:

- a) confirm the intent of the freedom camping bylaw is to address the harms from freedom camping by increasing the supply of sites in suitable areas and providing for improved enforcement.
- b) agree that staff under delegation from the Chief Executive develop a freedom camping statement of proposal and draft bylaw that implements the following:
  - i) includes rules that are simple and regionally consistent
  - ii) clarifies (through an explanatory note in the bylaw) that a humane approach to enforcement will be taken to protect vulnerable members of the Auckland community
  - iii) only prohibits sites that are likely to be desirable to freedom campers (in alignment with the requirement for a proportionate response to the perceived problem)
  - iv) includes the 312 sites in Table 3, Attachment A of the agenda report as prohibited
  - v) requires vehicles to be certified to the New Zealand Standard for self-contained vehicles NZS 5465:2001 if staying at a site that is restricted to self-contained vehicles

- vi) restricts freedom camping to vehicles that are certified self-contained at the 94 sites in Table 6, Attachment A of the agenda report
  - vii) restricts freedom camping at the 13 sites in Table 7, Attachment A of the agenda report (non-self-contained permitted)
  - viii) contains a maximum number of campers for each restricted site and delegates the specific design details to appropriate operational staff
  - ix) includes a maximum stay of two nights within a four-week consecutive period on restricted sites
  - x) includes a maximum stay of one night and a requirement to leave the site by 9am if there is high demand by other users during the day
  - xi) contains an analysis of any site identified that is a reserve under the Reserves Act 1977 which also requires ministerial consent to implement the reserve as a restricted camping site in the draft freedom camping bylaw
  - xii) contains clauses that provide flexibility and the ability to be responsive to change.
  - xiii) includes additional prohibitions to protect the areas of Otuataua Stonefields Reserves, Umupuia Coastal Reserve and Waiatarua Reserve due to their significance to Māori.
- c) receive the tabled attachment : Sites reassessed following the Parks and Recreation Mana Whenua Engagement Forum
- d) agree that, following consideration of the input from the Parks and Recreation Mana Whenua Engagement Forum, staff under delegation from the Chief Executive include the following in the freedom camping statement of proposal:

three additional prohibited sites to protect the areas of:

Name	Location	Local Board
Otuataua Stonefields Reserve	56 Ihumatao Quarry Road, Mangere	Mangere-Otahuhu Local Board
Umupuia Coastal Reserve	998R North Road	Franklin Local Board area
Waiatarua Reserve	98 Abbots Way, Remuera	Orakei Local Board

MOVED by Cr W Walker, seconded by Cr J Watson an amendment to clause b):

That the Regulatory Committee:

- b) agree to add 9 additional prohibited sites to table 3 Attachment A of the agenda report for public feedback:
- Victor Eaves
  - Eric Armishaw Park
  - Fowlds Park
  - Raymond Reserve
  - Western Springs
  - Howick Beach
  - Moore Street 27 Grounds
  - Uxbridge Road 20 & 24 grounds
  - Laurie Gibbons

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

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr D Newman	Deputy Chairperson BC Cashmore	Cr J Bartley
Cr S Stewart	Chairperson L Cooper	
Cr W Walker	Cr R Hills	
Cr J Watson	IMSB Chair D Taipari	

The amendment was declared EQUAL.

The chair exercised her casting vote against so the amendment was LOST.

The following amendment to clause b) by Cr J Bartley lapsed for want of a seconder.

That the Regulatory Committee:

- b) agree to add 4 additional prohibited sites to table 3 Attachment A of the agenda report for public feedback:
- Gloucester Park North
  - Jellicoe Park & Onehunga War Memorial Pools
  - Panmure Basin
  - Taumanu Reserve – Onehunga Foreshore.

The substantive motion was put in parts.

Resolution number REG/2018/64

MOVED by Chairperson L Cooper, seconded by Deputy Chairperson BC Cashmore:

**That the Regulatory Committee:**

- a) **confirm the intent of the freedom camping bylaw is to address the harms from freedom camping by increasing the supply of sites in suitable areas and providing for improved enforcement.**
- b) **agree that staff under delegation from the Chief Executive develop a freedom camping statement of proposal and draft bylaw that implements the following:**
- includes rules that are simple and regionally consistent**
  - clarifies (through an explanatory note in the bylaw) that a humane approach to enforcement will be taken to protect vulnerable members of the Auckland community**
  - only prohibits sites that are likely to be desirable to freedom campers (in alignment with the requirement for a proportionate response to the perceived problem)**
  - includes the 312 sites in Table 3, Attachment A of the agenda report as prohibited**
  - requires vehicles to be certified to the New Zealand Standard for self-contained vehicles NZS 5465:2001 if staying at a site that is restricted to self-contained vehicles**
  - restricts freedom camping to vehicles that are certified self-contained at the 94 sites in Table 6, Attachment A of the agenda report**
  - restricts freedom camping at the 13 sites in Table 7, Attachment A of the agenda report (non-self-contained permitted)**
  - contains a maximum number of campers for each restricted site and delegates the specific design details to appropriate operational staff**
  - includes a maximum stay of two nights within a four-week consecutive period on restricted sites**

- x) includes a maximum stay of one night and a requirement to leave the site by 9am if there is high demand by other users during the day
  - xi) contains an analysis of any site identified that is a reserve under the Reserves Act 1977 which also requires ministerial consent to implement the reserve as a restricted camping site in the draft freedom camping bylaw
  - xii) contains clauses that provide flexibility and the ability to be responsive to change.
  - xiii) includes additional prohibitions to protect the areas of Otuaataua Stonefields Reserves, Umupuia Coastal Reserve and Waiatarua Reserve due to their significance to Māori.
- c) receive the tabled attachment : Sites reassessed following the Parks and Recreation Mana Whenua Engagement Forum
- d) agree that, following consideration of the input from the Parks and Recreation Mana Whenua Engagement Forum, staff under delegation from the Chief Executive include the following in the freedom camping statement of proposal:  
three additional prohibited sites to protect the areas of:

Name	Location	Local Board
Otuataua Stonefields Reserve	56 Ihumatao Quarry Road, Mangere	Mangere-Otahuhu Local Board
Umupuia Coastal Reserve	998R North Road	Franklin Local Board area
Waiatarua Reserve	98 Abbotts Way, Remuera	Orakei Local Board

**CARRIED**

That the Regulatory Committee:

- b) agree that staff under delegation from the Chief Executive develop a freedom camping statement of proposal and draft bylaw that implements the following:
  - xiv) contains general rules that will apply to areas not specifically scheduled in the bylaw (certified self-contained only and two-night maximum stay).

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

<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstained</u></b>
Deputy Chairperson BC Cashmore Chairperson L Cooper	Cr J Bartley Cr R Hills Cr D Newman Cr S Stewart IMSB Chair D Taipari Cr W Walker Cr J Watson	

The motion was declared **LOST** by 2 votes to 7.

Note: Pursuant to Standing Order 1.8.6 the following councillors requested that their dissenting votes be recorded:

- Cr D Newman
- Cr J Bartley.

### Attachments

A 13 September 2018 Regulatory Committee Item 8: Direction on the Freedom Camping Bylaw Development - tabled sites reassessed Mana Whenua Engagement Forum

The meeting was adjourned at 12.03pm and reconvened at 12.12pm.

Cr W Walker, Cr J Watson, Cr S Stewart and Member D Taipari were not present.

Note: The chairperson accorded precedence to Item 10 - Public Safety and Nuisance Bylaw Statement of Proposal, at this time.

## 10 Public Safety and Nuisance Bylaw Statement of Proposal

*Cr Stewart returned to the meeting at 12.14pm*

*Cr W Walker returned to the meeting at 12.16pm*

*Cr J Watson returned to the meeting at 12.16pm.*

Resolution number REG/2018/65

MOVED by Chairperson L Cooper, seconded by Cr J Bartley:

**That the Regulatory Committee:**

- a) **note that this committee completed the statutory review of the Public Safety and Nuisance Bylaw 2013 in June 2018 and:**
  - i) **determined a bylaw is still the most appropriate way to address some nuisance and unsafe behaviours and activities in public places, but not others**
  - ii) **determined the current Bylaw is not the most appropriate form of bylaw and should be improved**
  - iii) **gave directions to prepare amendments to the current Bylaw.**
- b) **recommend that the Governing Body adopt the statement of proposal in Attachment A of the agenda report for public consultation and confirm that the bylaw amendments:**
  - i) **are the most appropriate form of bylaw**
  - ii) **do not give rise to any implications and are not inconsistent with the New Zealand Bill of Rights Act 1990.**
- c) **recommend that the Governing Body forward to local boards and advisory panels:**
  - i) **the statement of proposal in Attachment A of the agenda report for their views**
  - ii) **this agenda report and attachments for their information.**
- d) **appoint the Chairperson, Cr Cooper, Cr Casey and Cr Newman and an Independent Maori Statutory Board member to attend 'Have Your Say' events, to deliberate and make recommendations to the Governing Body on public feedback to the statement of proposal in Attachment A of the agenda report.**
- e) **delegate authority to the Regulatory Committee chairperson to make replacement appointments to the panel if a member of the panel is unavailable.**



- f) delegate authority through the Chief Executive to a manager responsible for bylaws to appoint staff to receive public feedback at 'Have Your Say' events.
- g) delegate authority through the Chief Executive to a manager responsible for bylaws to make any amendments to the statement of proposal in Attachment A of the agenda report to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.

**CARRIED**

## 9 Enforcement of Existing Freedom Camping Regulations - Summer 2018/19

*Member D Taipari returned to the meeting at 12.22pm.*

Resolution number REG/2018/66

MOVED by IMSB Chair D Taipari, seconded by Cr W Walker:

**That the Regulatory Committee:**

- a) endorse the proposed 'Standard Compliance Approach' and the proposals for 'Infrastructure to support compliance'; and
- b) support further discussions with interested local boards about additional compliance programmes.

**CARRIED**

## 11 Update report from Resource Consents Department

This item was deferred to the October 2018 meeting.

## 12 Regulatory Committee Summary of Information Items 13 September 2018

Resolution number REG/2018/67

MOVED by Chairperson L Cooper, seconded by Deputy Chairperson BC Cashmore:

**That the Regulatory Committee:**

- a) receive the information report.

**CARRIED**

## 13 Consideration of Extraordinary Items

There were no extraordinary items.

12.32 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  
COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....