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

Date: Thursday, 9 May 2019
Time: 9.30am
Meeting Room: Room 1, Level 26
Venue: 135 Albert St
          Auckland

Komiti Whakahaere ā-Ture /
Regulatory Committee

OPEN AGENDA

MEMBERSHIP

Chairperson  Cr Linda Cooper, JP
Deputy Chairperson  Deputy Mayor Cr Bill Cashmore
Members  Cr Josephine Bartley
          Cr Fa’anana Efeso Collins
          Cr Richard Hills
          Cr Daniel Newman, JP
          Cr Sharon Stewart, QSM
          IMSB Chair David Taipari
          Cr Wayne Walker
          Cr John Watson
          IMSB Member Glenn Wilcox
          Cr Paul Young

Ex-officio  Mayor Hon Phil Goff

(Quorum 5 members)

Maea Petherick
Senior Governance Advisor

2 May 2019

Contact Telephone: (09) 890 8136
Email.maea.petherick@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Terms of Reference

Responsibilities

The committee is responsible for regulatory hearings (required by relevant legislation) on behalf of the council. The committee is responsible for appointing independent commissioners to carry out the council’s functions or delegating the appointment power (as set out in the committee’s policy). The committee is responsible for regulatory policy and bylaws. Where the committee’s powers are recommendatory, the committee or the appointee will provide recommendations to the relevant decision-maker.

The committee’s key responsibilities include:

- decision-making (including through a hearings process) under the Resource Management Act 1991 and related legislation
- hearing and determining objections under the Dog Control Act 1996
- decision-making under the Sale and Supply of Alcohol Act 2012
- hearing and determining matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002 (this cannot be sub-delegated)
- hearing and determining matters arising under bylaws
- receiving recommendations from officers and appointing independent hearings commissioners to a pool of commissioners who will be available to make decisions on matters as directed by the Regulatory Committee
- receiving recommendations from officers and deciding who should make a decision on any particular matter including who should sit as hearings commissioners in any particular hearing
- monitoring the performance of regulatory decision-making
- where decisions are appealed or where the committee decides that the council itself should appeal a decision, directing the conduct of any such appeals
- considering and making recommendations to the Governing Body regarding the regulatory and bylaw delegations (including to Local Boards)
- regulatory fees and charges
- recommend bylaws to Governing Body for consultation and adoption
- 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, including performing the delegations made by the Governing Body to the former Regulatory and Bylaws Committee, under resolution GB/2012/157 in relation to dogs and GB/2014/121 in relation to alcohol.
- engage with local boards on bylaw development and review
- adopting or amending a policy or policies and making any necessary sub-delegations relating to any of the above areas of responsibility to provide guidance and transparency to those involved.

Not all decisions under the Resource Management Act 1991 and other enactments require a hearing to be held and the term “decision-making” is used to encompass a range of decision-making processes including through a hearing. “Decision-making” includes, but is not limited to, decisions in relation to applications for resource consent, plan changes, notices of requirement, objections, existing use right certificates and certificates of compliance and also includes all necessary related decision-making.

In adopting a policy or policies and making any sub-delegations, the committee must ensure that it retains oversight of decision-making under the Resource Management Act 1991 and that it provides for councillors to be involved in decision-making in appropriate circumstances.
For the avoidance of doubt, these delegations confirm the existing delegations (contained in the chief executive’s Delegations Register) to hearings commissioners and staff relating to decision-making under the RMA and other enactments mentioned below but limits those delegations by requiring them to be exercised as directed by the Regulatory Committee.

Relevant legislation includes but is not limited to:

- All Bylaws
- Biosecurity Act 1993
- Building Act 2004
- Dog Control Act 1996
- Fencing of Swimming Pools Act 1987
- Gambling Act 2003; Land Transport Act 1998
- Health Act 1956
- Local Government Act 1974
- Local Government Act 2002
- Local Government (Auckland Council Act) 2009
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012
- Waste Minimisation Act 2008
- Maritime Transport Act 1994

**Powers**

(i) All powers necessary to perform the committee’s responsibilities.

**Except:**

(a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
(b) where the committee’s responsibility is limited to making a recommendation only.

(ii) Power to establish subcommittees.
Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.
<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Apologies</td>
<td>9</td>
</tr>
<tr>
<td>2</td>
<td>Declaration of Interest</td>
<td>9</td>
</tr>
<tr>
<td>3</td>
<td>Confirmation of Minutes</td>
<td>9</td>
</tr>
<tr>
<td>4</td>
<td>Petitions</td>
<td>9</td>
</tr>
<tr>
<td>5</td>
<td>Public Input</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>Local Board Input</td>
<td>9</td>
</tr>
<tr>
<td>7</td>
<td>Extraordinary Business</td>
<td>10</td>
</tr>
<tr>
<td>8</td>
<td>Cemeteries and Crematoria Bylaw review 2019 and direction for any changes</td>
<td>11</td>
</tr>
<tr>
<td>9</td>
<td>Alcohol Control Bylaw review 2019 options for any changes</td>
<td>27</td>
</tr>
<tr>
<td>10</td>
<td>Request to appoint Independent Hearings Commissioners to hear submissions on Plan Change 18, to the Auckland Unitary Plan (Operative in part)</td>
<td>45</td>
</tr>
<tr>
<td>11</td>
<td>Regulatory Committee Summary of Information Items - 9 May 2019</td>
<td>55</td>
</tr>
<tr>
<td>12</td>
<td>Consideration of Extraordinary Items</td>
<td></td>
</tr>
</tbody>
</table>
1 **Apologies**

Apologies from Deputy Chairperson BC Cashmore and Cr S Stewart have 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 Committee:

a) confirm the ordinary minutes of its meeting, held on Thursday, 11 April 2019, 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 7.7 provides for Public Input. Applications to speak must be made to the Governance Advisor, in writing, no later than one (1) clear working day 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 6.2 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 one (1) day's 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 6.1 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."
Te take mō te pūrongo
Purpose of the report

1. To seek a decision on the preferred statutory option to progress the Auckland Council Cemeteries and Crematoria Bylaw 2014.

Whakarāpopototanga matua
Executive summary

2. On 11 April 2019 the Regulatory Committee completed the statutory review findings on the Auckland Council Cemeteries and Crematoria Bylaw 2014 (Bylaw) and the Cemeteries and Crematoria Code of Practice 2014 (Code) and requested a report back on options.

3. The statutory options are presented and assessed against criteria to help the committee decide whether to confirm, amend, revoke or replace the Bylaw.

4. Staff recommend that the committee agree that Option two – amend Bylaw is the most appropriate response to the statutory review findings. Taking this approach will:
   - help minimise public safety risks, distress, nuisance, damage to property and heritage, and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors
   - improve on the status quo (Option one) by using best practice drafting to make the Bylaw easier to understand
   - is more flexible than Option three – replace Bylaw as rules are contained in a code
   - more effectively and efficiently regulate third parties than Option four – revoke Bylaw.

5. There is a low risk that stakeholders or the public may express concern about the preferred option. This risk will be mitigated by future public engagement.

6. If approved, staff will prepare a statement of proposal, amended Bylaw and updated Code for approval by the Regulatory Committee and Governing Body in early 2020. Public engagement will follow, before a final decision is made by the Governing Body.

Ngā tūtohunga
Recommendation/s

That the Regulatory Committee:

a) agree that Option two: amend current framework Bylaw and update Code is the most appropriate way to respond to the statutory review findings on the Auckland Council Cemeteries and Crematoria Bylaw 2014.

b) request a statement of proposal that amends the Auckland Council Cemeteries and Crematoria Bylaw 2014 as detailed in Attachment A of the agenda report for Option two: amend current framework Bylaw and update Code.
Horopaki

Context

The Cemeteries and Crematoria Bylaw 2014 enables council to manage activities at council cemeteries and crematoria

7. The Te Ture ā-Rohe mo ngā Wāhi Tapu me ngā Whare Tahu Tupāpaku 2014, Auckland Council Cemeteries and Crematoria Bylaw 2014 (Bylaw) was adopted by the Governing Body on 31 July 2014 (GB/2014/67).

8. The Bylaw seeks to manage activities at 55 council cemeteries and three crematoria by providing a framework that enables detailed rules to be made in a separate code.


10. The Bylaw does not regulate activities outside of council cemeteries and crematoria, including the scattering of ashes in parks and waterways.

11. The Bylaw is aligned with strategic directions in the Auckland Plan 2050 including providing accessible services and social infrastructure that are responsive in meeting people's evolving needs.

Bylaw statutory review completed and found it is needed and requires updating

12. On 11 April 2019 (REG/2019/19) the committee completed its statutory review of the Bylaw and endorsed the review findings that:

- a bylaw about council cemeteries and crematoria is still the most appropriate way to manage activities that may cause public safety hazards, damage to property and unnecessary distress to mourners or relatives
- the current Bylaw does not give rise to any implications and is not inconsistent with the New Zealand Bill of Rights Act 1990
- the current bylaw framework approach that enables detailed rules to be made in a separate code is appropriate but requires updating to reflect current best practice drafting standards.

13. The committee requested an options report to help decide how best to respond to the key findings and consider whether the Bylaw be confirmed, amended, revoked or replaced.¹

Tātaritanga me ngā tohutohu

Analysis and advice

Ongoing problems with public safety, nuisance and ground maintenance

14. The Cemeteries and Crematoria Bylaw 2014 Options Report 2019 (refer attachment A) defines the problem, objectives, outcomes and options. This includes a description of the pros, cons and risks of each option.

15. Staff used the findings report to develop options that respond to current and future problems that the bylaw needs to address:

- public safety risks, distress, nuisance, damage to property and heritage, interference with ground maintenance and operational activities
- current practice is not reflected in the Code
- difficulties ensuring compliance with the Code and varied application of the Code rules at each cemetery.

¹ Local Government Act 2002, section 160(3).
16. The key activities causing issues at council cemeteries and crematoria are:
   • ground maintenance problems from unsecured adornments
   • public safety issues from improperly installed monuments
   • antisocial behaviour such as drinking and driving on grass in cemeteries which disturbs the public.

17. Four statutory options are outlined to help address the problems. The options also need to respond to the policy outcome for the Bylaw, which is that council cemeteries and crematoria are well maintained and operated in a way that is respectful of public needs.

Statutory options
18. Staff identified the following options to achieve the outcome sought:
   • *Option one*: status quo – retain current framework Bylaw and update Code
   • *Option two*: amend current framework Bylaw and update Code
   • *Option three*: replace current Bylaw – new bylaw containing updated Code rules
   • *Option four*: revoke current Bylaw – rely on Burial and Cremation Act 1964, agreements and conditions of entry.

19. Staff assessed each option against assessment criteria. They reflect the core objective for the use of council cemeteries and crematoria to minimise public safety risks, distress, nuisance, damage to property and heritage, interference with ground maintenance and operational activities. The criteria also reflect council’s statutory duties under the Local Government Act 2002.

Table 1: Summary of assessment of options

<table>
<thead>
<tr>
<th>Option</th>
<th>Effectiveness</th>
<th>Efficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option one: status quo</strong></td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>- retain current framework Bylaw and update Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Option two: amend current framework Bylaw and update Code (Recommended)</strong></td>
<td>✓ ✓</td>
<td>✓ ✓</td>
</tr>
<tr>
<td><strong>Option three: replace current Bylaw</strong> - new bylaw containing updated Code rules</td>
<td>✓</td>
<td>×</td>
</tr>
<tr>
<td><strong>Option four: revoke current Bylaw</strong> - rely on Burial and Cremation Act 1964, agreements and conditions of entry</td>
<td>×</td>
<td>××</td>
</tr>
</tbody>
</table>

Key: “✓” and “×” reflect the impact of the option against each criterion relative to other options. For instance, the more “✓”, the better the option.

20. Option two – amend Bylaw scores most favourably against the assessment criteria. This improves on Option one – status quo which also scores well against the criteria. The strength of both of these options is the flexible Bylaw framework that embeds everyday practice into a Code which can be readily amended.

---

2 Local Government Act 2002, sections 3, 10, 14 and 155.
21. Staff recommend Option two – amend bylaw as it:
   - helps minimise public safety risks, distress, nuisance, damage to property and heritage and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors
   - improves on the Option one – status quo by using best practice drafting to make the Bylaw easier to understand
   - is more flexible than Option three – replace Bylaw as rules are contained in a code.
     Option three:
     - cannot be amended by resolution of the Regulatory Committee
     - more difficult to tailor the content and format to user needs than a code of practice
   - more effectively and efficiently regulates third parties than Option four – revoke Bylaw.

22. The key trade-off between the recommended Option two – amend Bylaw and Option one – status quo is a lost opportunity to update the Bylaw drafting to improve public understanding and compliance.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

23. The Bylaw impacts the operation of council units involved in cemeteries, crematoria and heritage. Input was sought through face-to-face meetings and a workshop. Council units are aware of the impacts of possible changes to the Bylaw and their implementation role.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe

Local impacts and local board views

24. The review is important to local boards that have operational cemeteries in their local board area, particularly the Aotea Great Barrier Local Board which has delegated authority over operational cemeteries. Staff attended individual workshops with five local boards which expressed specific interest in the Bylaw. Members raised issues regarding adornments, maintenance and anti-social behaviour in cemeteries. Option two (recommended) would address these concerns in the updated Code rules.

Tauākī whakaaweawe Māori

Māori impact statement

25. The Bylaw has particular significance for Māori as urupā are wāhi tapu. Staff sought input from mana whenua at the Parks Kaitiaki Forum and individual hui. A workshop was held with the Waikumete Urupā Komiti who have delegated authority at Waikumete Cemetery.

26. Māori community-based consultants sought feedback from mataawaka kaumatua and kuia at a community event.

27. Māori raised concerns about adornments, ash scattering (particularly in waterways) and the need for more land for mana whenua and council urupā.

28. The Governing Body resolved in March 2019 to address the issue of ash scattering in public places through the Environment and Community Committee (GB/2019/22). This Bylaw review is limited to activities in council cemeteries and crematoria.

29. Key bylaw-related concerns include uncertainty about the role of the Waikumete Urupā Komiti under the Bylaw and Code. Option two (recommended) would address this concern in the updated Code rules.

Ngā ritenga ā-pūtea

Financial implications

30. The cost of the Bylaw review and implementation will be met within existing budgets.
Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
31. There is a low risk that stakeholders or the public may express concern about the preferred option. This risk will be mitigated by future public engagement through consultation on a statement of proposal.

Ngā koringa ā-muri
Next steps
32. If approved, staff will prepare a statement of proposal which will include an amended Bylaw and updated Code. A report to the committee in early 2020 will recommend the Governing Body adopt the statement of proposal for public feedback. The report will also seek to appoint a panel to consider public feedback.

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Cemeteries and Crematoria Bylaw 2014 Options Report 2019</td>
<td>17</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Julia Harker - Policy Analyst</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Kataraina Maki - GM - Community &amp; Social Policy</td>
</tr>
<tr>
<td></td>
<td>James Hassall - Director Regulatory Services (Acting)</td>
</tr>
</tbody>
</table>
Cemeteries and Crematoria Bylaw 2014 Review
Options report 2019

Introduction

This report analyses the options available to Auckland Council in response to the statutory review of Te Ture ā-Rohe mo ngā Wāhi Tapu me ngā Whare Tahu Tupāpaku 2014, the Auckland Council Cemeteries and Crematoria Bylaw 2014 (Bylaw) including the Arataki Tikanga mo ngā Wāhi Tapu me ngā Whare Tahu Tupāpaku 2014, Cemeteries and Crematoria Code of Practice (Code). It draws on findings in the “Auckland Council Cemeteries and Crematoria Bylaw 2014: Review Findings Report 2019”.

Executive summary

To enable Auckland Council to decide how to respond to the findings report on the statutory review of the Auckland Council Cemeteries and Crematoria Bylaw 2014 (Bylaw) and Cemeteries and Crematoria Code of Practice (Code), staff assessed the following options using Local Government Act 2002 criteria:

- **Option one**: status quo – retain current framework Bylaw and update Code
- **Option two**: amend current framework Bylaw and update Code
- **Option three**: replace current Bylaw – new bylaw containing updated Code rules
- **Option four**: revoke current Bylaw – no bylaw and instead rely on Burial and Cremation Act 1964, agreements and conditions of entry.

Staff recommend Option two (amend current Bylaw and update Code) because it:

- helps minimise public safety risks, distress, nuisance, damage to property and heritage and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors
- improves on the status quo (Option one) by using best practice drafting to make the Bylaw easier to understand
- is more flexible than Option three as rules are contained in a code
- more effectively and efficiently regulates third parties than Option four.

**Option three** would also minimise issues at cemeteries and crematoria. However, the key trade-off is reduced flexibility because it:

- could not be amended by resolution of the Regulatory Committee
- would be more difficult to tailor the content and format to user needs than a code of practice.

**Status quo (current Bylaw) and problem definition**

**Status quo (current Bylaw)**

The Bylaw is a framework bylaw (refer Figure 1 on page four) that:

- enables detailed rules to be made about the use of council-owned or operated cemeteries and crematoria in a separate Code
• enables the use of enforcement powers and penalties under the Local Government Act 2002 and Burial and Cremation Act 1964 for breach of the Code, including for the removal of materials, things or constructions.

**Original problem statement and status quo**

When the Bylaw was made, staff defined the original problem as follows:

There are a range of activities that could occur in cemeteries that may require management or control, the council is required to address activities that may cause health and safety hazards, damage to property, unnecessary distress to mourners or relatives, or disruptive behaviour within a cemetery.

The current Bylaw was introduced to respond to this problem by amalgamating all legacy bylaws to provide a single bylaw for the whole region.

**Current and future problem**

The current and future problems include that:

- public safety risks, distress, nuisance, damage to property and heritage and interference with ground maintenance and operational activities remain
- current practice is not reflected in the Code
- difficulties ensuring compliance with the Code and varied application of the Code rules at each cemetery.

Stakeholders (including Auckland Cemeteries and industry organisations) consider that activities at council cemeteries and crematoria are still causing issues, including:

- ground maintenance problems from unsecured adornments
- public safety issues from improperly installed monuments
- antisocial behaviour such as drinking and driving on grass in cemeteries which disturbs the public.

**Scale and magnitude of the problem**

Anecdotally council owns or operates more cemeteries and crematoria, provides for more burials and cremations, and has more visitors¹ compared to other territorial authorities in New Zealand. No comparative data is available.

Council owns 30 open cemeteries (still receiving new burials), 25 closed cemeteries (no longer in regular use) and three crematoria. In 2018 council cemeteries provided for approximately 2653 burials and 2611 cremations.

Complaint numbers about other people’s use of council cemeteries and crematoria are low. Council received 74 complaints from 2016-2019. This equates to less than two complaints a month over a four-year period. The most common type of complaint relates to ground maintenance (22) followed by antisocial behaviour (four).

---

¹ Includes family or friends visiting graves and visitors for historical research or heritage purposes.
Objectives

The objectives of a regulatory response to this problem are to:

1. minimise public safety risks, distress, nuisance, damage to property and heritage and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors
2. meet legislative requirements under the Local Government Act 2002 including:
   (i) giving effect to its identified priorities and desired outcomes in an efficient and effective manner (section 14)
   (ii) ensuring any bylaw does not give rise to any implications or is inconsistent with the New Zealand Bill of Rights Act 1990 (sections 155 and 160).

These objectives are aligned with the council’s obligations under the Burial and Cremation Act 1964 to control and manage cemeteries operated by or on land owned by council and the Auckland Plan 2050 focus area to “provide accessible services and social infrastructure that are responsive in meeting people’s evolving needs.”

Outcomes

The key desired outcome is that council cemeteries and crematoria are well maintained and operated in a way that is respectful of public needs.

Options

Staff identified the following options to achieve the outcome sought:

- **Option one:** status quo – retain current framework Bylaw and update Code
- **Option two:** amend current framework Bylaw and update Code
- **Option three:** replace current Bylaw – new bylaw containing updated Code rules
- **Option four:** revoke current Bylaw – rely on Burial and Cremation Act 1964, agreements and conditions of entry.

A more detailed description of the options is provided below.

**Option one: status quo – retain current framework Bylaw and update Code**

**Description**

This option would retain the current framework Bylaw (Figure 1) and update the Code to:

- enable detailed rules to be made about the use of council-owned or operated cemeteries and crematoria in a separate code
- enable the use of enforcement powers and penalties under the Local Government Act 2002 and Burial and Cremation Act 1964 for breach of the code, including the removal of materials, things or constructions
- ensure the Code reflects current practice.
Implementation

Auckland Cemeteries takes a graduated enforcement approach to Bylaw compliance. Staff as a first step will use advice and information to address any non-compliance with the Bylaw. The ability to prosecute a person for non-compliance with the Bylaw has never been used. If required, council can use the Local Government Act 2002\(^2\) to enforce the Bylaw. Relevant bylaw powers and penalties include seizure of property and maximum court fines of $20,000.\(^3\) The Burial and Cremation Act 1964 provides limited enforcement powers\(^4\) and penalties are out of date. For example, the maximum fine is 50 pounds or 5 pounds per day.\(^5\)

---

\(^2\) Local Government Act 2002, sections 162-188.
\(^3\) Local Government Act 2002, sections 162-188, and 242.
\(^4\) For example the ability to remove unconsented or dangerous monuments (section 9).
\(^5\) Burial and Cremation Act 1964, section 16.
Pros and cons

Pros

- Enables staff to proactively control activities through the Code.
- Stakeholders support the current Bylaw which provides the ability to make effective and certain rules in the Code.
- Allows flexibility as the Code can be changed by the Regulatory Committee.
- Penalties under the Local Government Act 2002 can provide a deterrent effect.
- Code provides for Wāhi Tapu Māori Areas in cemeteries.
- Code would be updated to reflect current practices, including accurate monument specifications.

Cons

- Bylaw structure and wording does not meet current best practice.
- Ongoing compliance issues, including unsecured adornments on burial plots.

Risks

There is a current and future reputational risk to council if stakeholders do not approve of the updated Code rules.

Mitigation

- Public consultation enables stakeholders to give feedback on the Bylaw and updated Code.

Option two: amend current framework Bylaw and update Code

Description

This option would improve on the current framework Bylaw in Option one and update the Code. The Bylaw would be improved by amending the structure and wording in line with best practice to make it easier for the public to understand. The Code would be updated in the same way as in Option one.

Implementation

Implementation would be the same as in Option one.

Pros and cons

Pros

- Same as Option one.
- Code would be updated to reflect current practices, including accurate monument specifications.

Cons

- Ongoing compliance issues, including unsecured adornments on burial plots.

Risks

There is a current and future reputational risk to council if stakeholders do not approve of the amended Bylaw and updated Code rules.

Mitigation

- Public consultation enables stakeholders to give feedback on the amended Bylaw and updated Code.
Option three: replace current Bylaw – new bylaw containing updated Code rules

Description
This option would replace the current Bylaw and Code with a new bylaw that would include all rules currently in the Code. The bylaw structure and wording would be in line with best practice to make it easier for the public to understand and the rules updated to reflect current practice.

Implementation
Implementation and compliance would be the same as in Option one.

Pros and cons
Pros

- Enables staff to proactively control activities through the Bylaw.
- Stakeholders support having a bylaw which provides the ability to make effective and certain rules.
- Penalties under the Local Government Act 2002 can provide a deterrent effect.
- Bylaw could provide for Wāhi Tapu Māori Areas.
- Bylaw would meet current drafting best practice.
- Bylaw rules would be updated to reflect current practices, including accurate monument specifications.

Cons

- Bylaw rules are less flexible and more difficult to change to address new circumstances because the bylaw must be updated using the special consultative procedure as opposed to a decision of the Regulatory Committee for the Code.
- Ongoing compliance issues, including unsecured adornments on burial plots.
- Further bylaw review required after five years compared to 10 years for Options one and two.

Risks
There is a current and future reputational risk to council if stakeholders do not approve of the new Bylaw and updated Code rules.

Mitigation

- Public consultation enables stakeholders to give feedback on the new Bylaw and updated Code.

Option four: rely on Burial and Cremation Act 1964 powers and agreements

Description
This option would revoke the Bylaw and Code. Auckland Cemeteries would instead rely on existing powers under the Burial and Cremation Act 1964 (BCA), agreements with exclusive right of burial holders and conditions of entry. Council could use the Trespass Act 1980 to warn and remove people who are not complying with the conditions of entry.
Implementation

Auckland Cemeteries staff would rely on the BCA, agreements and conditions of entry. Under the BCA, council is empowered to:

- regulate which monuments are permitted, including monument specifications and removal
- grant exclusive rights of burial
- set aside denominational areas
- maintain cemeteries
- keep records of burials.

The BCA does not cover existing rules about burial, cremation, disinterment, Wāhi Tapu Māori Areas, ground maintenance, adornments, or other record keeping.

These requirements could be managed through agreements with people who purchase exclusive rights of burial or use crematoria facilities. Conditions of entry signs in cemeteries and crematoria could be used to notify the public of rules.

Pros and cons

Pros

- Enables staff to proactively control activities through agreements and conditions of entry.
- No requirement to review Bylaw or update Code.
- Agreements and conditions of entry can be amended at any time without consultation (subject to consent from parties to existing agreements).

Cons

- Agreements do not bind third parties, for example family members visiting graves, and council could only bring an action for breach of contract.
- Any changes to agreement conditions would need to be negotiated with existing parties.
- Increased signage costs for conditions of entry across 55 cemeteries.
- Stakeholders do not support option given lack of certainty and difficulties with enforcement against third parties.
- BCA does not provide for Wāhi Tapu Māori Areas.

Risks

- Reputational risk if council relies on Trespass Act 1980 to take action against people who do not comply with conditions of entry, as this could appear heavy handed.
- Future reputational risk if council needs to make a new bylaw to address issues.

Mitigation

- Promoting good practice using non-regulatory tools (e.g. public guidelines).

Options assessment

Preliminary legal assessment

Bylaws must comply with certain legal requirements to be valid, including that they be authorised by statute, and are not repugnant or unreasonable. Staff consider all four options meet these preliminary legal requirements.
New Zealand Bill of Rights Act 1990 assessment

Options one, two and three raise potential limitations to freedom of expression, the right to manifest one’s religion or belief in worship and the rights of minorities to enjoy their culture and practise their religion. Any limitation however is minor and justified in meeting the objective of the Bylaw to minimise public safety risks, distress, nuisance, damage to property and heritage and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors. Therefore, there are no implications and the options are not inconsistent with the New Zealand Bill of Rights Act 1990.

Option four does not require the preparation of a bylaw and therefore a New Zealand Bill of Rights Act 1990 assessment is not required.

Assessment against criteria

Staff have completed a comparative assessment against criteria. These criteria reflect the objectives of a regulatory response to this problem identified above to:

1. minimise public safety risks, distress, nuisance, damage to property and heritage and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors
2. meet legislative requirements under the Local Government Act 2002 including:
   (i) giving effect to its identified priorities and desired outcomes in an efficient and effective manner (section 14)
   (ii) ensuring any bylaw does not give rise to any implications or is inconsistent with the New Zealand Bill of Rights Act 1990 (sections 155 and 160).

The criteria and a summary of the assessment is shown in Table 1. The “✔” and “✗” reflect the impact of the option against each criterion relative to other options. For instance, the more “✔”, the better the option.
<table>
<thead>
<tr>
<th>Table 1: Summary of assessment of options against stated objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Effectiveness at minimising public safety risks, distress, nuisance, damage to property and heritage and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors</strong></td>
</tr>
<tr>
<td><strong>Efficiency at minimising public safety risks, distress, nuisance, damage to property and heritage and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors</strong></td>
</tr>
<tr>
<td><strong>Option one: status quo - retain current framework Bylaw and update Code</strong></td>
</tr>
<tr>
<td>While the status quo enables staff to take proactive steps to minimise misuse, the Code requires updating to reflect actual practice, and public understanding of the Bylaw could be improved through clearer drafting.</td>
</tr>
<tr>
<td><strong>Option two: amend current framework Bylaw and update Code</strong></td>
</tr>
<tr>
<td>Option two would improve public understanding of the Bylaw through clearer drafting.</td>
</tr>
<tr>
<td><strong>Option three: replace current Bylaw – new bylaw containing updated Code rules</strong></td>
</tr>
<tr>
<td>Option three would proactively manage undesired activities but would not be as easy for the public to understand as rules in a tailored code of practice.</td>
</tr>
<tr>
<td><strong>Option four: revoke current Bylaw – rely on Burial and Cremation Act 1964, agreements and conditions of entry.</strong></td>
</tr>
<tr>
<td>Option four would not be as effective at managing undesired activities by people not party to an agreement.</td>
</tr>
</tbody>
</table>
Analysis and recommendations

Option two: amend current framework Bylaw and update Code scores most favourably against the assessment criteria. This improves upon the status quo which also scores well against the criteria. The strength of both of these options is the flexible Bylaw framework that embeds everyday practice into a Code which can be readily adapted.

Based on analysis against assessment criteria and the pros and cons of each option, staff recommend **Option two: amend current framework Bylaw and update Code** because it would:

- help minimise public safety risks, distress, nuisance, damage to property and heritage and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors
- improve on the status quo (Option one) which stakeholders consider provides the ability to make effective and certain rules
- be more efficient than Option three as a code is more flexible to amend and the Bylaw would not need to be reviewed for a further 10 years.

**Option three** (replace current Bylaw) would minimise the misuse of cemeteries and crematoria. However, the key trade-off is reduced flexibility as it:

- could not be amended by resolution of the Regulatory Committee
- would be more difficult to tailor the content and format to user needs than a code of practice.

Both **Options one** (status quo) and **two** would require updates to the Code to ensure the rules reflect actual practice.

**Option one** is effective and certain but does not meet best practice drafting standards that would improve public understanding of the Bylaw.

**Option four** (revoke current Bylaw) is the least effective option because it does not effectively or efficiently regulate members of the public who are not a party to an agreement.
Te take mō te pūrongo
Purpose of the report
1. To seek a decision on the preferred statutory option to progress the Auckland Council Alcohol Control Bylaw 2014.

Whakarāpopototanga matua
Executive summary
2. On 11 April 2019 the committee completed the statutory review findings on the Auckland Council Alcohol Control Bylaw 2014 (Bylaw) and requested a report back on options.
3. The statutory options are presented and assessed against criteria to help the committee decide whether to confirm, amend, revoke or replace the Bylaw.
4. Option two - amend Bylaw scores most favourably against the assessment criteria. It also responds to the problem definition about litter, public urination, vandalism and intimidation caused or made worse by the consumption of alcohol in certain public places.
5. Staff recommend Option two - amend Bylaw is it will:
   • retain a regulatory tool that can help reduce crime or disorder in certain public places caused or made worse by alcohol consumed there
   • improve on the status quo by including event venue alcohol bans, clarifying adoption of temporary alcohol bans, removing clauses that duplicate legislation and making the Bylaw easier to understand
   • retain delegated decision-making of alcohol bans by resolution with local boards.
6. There is a low risk that stakeholders or the public may express concern about the recommended Option two - amend Bylaw. The concern may be the lack of harm prevention and ability to use alcohol bans more widely. This risk will be mitigated by public communication about the limitations of alcohol bans under government legislation.
7. The committee may also decide to advocate to government to change alcohol ban legislation to prevent alcohol harm and associated public safety issues. This may also help mitigate public concern.
8. If approved, staff will prepare a statement of proposal and amended bylaw for approval by the committee and Governing Body in early 2020. Public engagement will follow, before a final decision is made by the Governing Body.

Ngā tūtohunga
Recommendation/s
That the Regulatory Committee:

a) agree that Option two: amend the current Bylaw is the most appropriate option to respond to the statutory review findings on the Auckland Council Alcohol Control Bylaw 2014.

b) request a statement of proposal that amends the Auckland Council Alcohol Control Bylaw 2014 as detailed in Attachment A of the agenda report for Option two: amend the current Bylaw.
Horopaki Context

The Alcohol Control Bylaw 2014 aims to reduce alcohol-related harm in public places

9. The Te Ture a Rohe Whakararata Waipiro 2014, Auckland Council Alcohol Control Bylaw 2014 (Bylaw) aims to reduce crime or disorder in certain public places caused or made worse by alcohol consumed there. The Bylaw establishes a regulatory framework that:

- enables alcohol bans to be made by resolution of delegated authorities that are then enforced by the New Zealand Police
- sets out decision-making criteria, some of which are legislative
- identifies exceptions
- enables signage requirements to be made by resolution.

10. The Bylaw aligns with strategic directions in the Auckland Plan 2050 including ‘Belonging and Participation’ – Focus Area 1 to “create safe opportunities for people to meet, connect, participate in and enjoy community and civic life.”

A statutory review of the Bylaw found needs to be improved

11. On 11 April 2019 (REG/2019/19) the committee completed its statutory review of the Bylaw and endorsed the review findings that:

- a bylaw about the consumption or possession of alcohol in public places is still the most appropriate way to address crime or disorder in certain public places caused or made worse by alcohol consumed there
- the current bylaw does not give rise to any implications and is not inconsistent with the New Zealand Bill of Rights Act 1990
- the current bylaw structure and wording could be improved.

12. The committee requested an options report to help decide how best to respond to the key findings and consider whether the Bylaw be confirmed, amended, revoked or replaced.  

Tātaritanga me ngā tohutohu
Analysis and advice

Staff recommend amending the Bylaw to respond to the statutory review findings

13. The options report for the 2018 review of the Alcohol Control Bylaw 2014 (refer attachment A) defines the problem, objectives, outcomes and options. This includes a description of the pros, cons and risks of each option.

14. Staff used the findings report to develop options that respond to the current and future problem that the bylaw needs to address.

15. This problem definition sets out a simple statement about the current crime or disorder caused or made worse by the consumption of alcohol in certain public places.

---

3 Local Government Act 2002, section 160(3).
Problem definition
The current and future problem remains “crime or disorder caused or made worse by the consumption of alcohol in certain public places”, for example:
- noise nuisance
- litter
- public urination
- vandalism
- theft, such as mugging
- intimidation
- violence.

There is no reliable data available about the scale and magnitude of public drinking in Auckland. However, on-going demand for alcohol bans and stakeholder narratives show crime and disorder still occurs in certain public places that are associated with frequent, heavy drinking. Stakeholders also consider the scale of the problem may increase in the future as Auckland’s population and urban density increases.

These problems affect nearby residents and users of the space by interrupting sleep, reducing the recreational or visual amenity of the space, placing them in direct danger of physical harm and making people feel unsafe more generally.

16. Four statutory options are outlined to help address the problems. The options also need to respond to the policy outcome for the Bylaw, which is that the public are protected from crime or disorder in public places caused or made worse by alcohol consumed there.

Statutory options
17. Staff identified the following options to achieve the outcome sought:
- **Option one**: status quo – retain Bylaw that makes alcohol bans by resolution
- **Option two**: amend the current Bylaw – improve the status quo
- **Option three**: replace the current Bylaw – new bylaw that contains all alcohol bans
- **Option four**: revoke Bylaw – no bylaw and instead rely on other existing methods.

18. Staff assessed each option against assessment criteria. They reflect the core objective to reduce crime or disorder in certain public places caused or made worse by alcohol consumed there. The criteria also reflect council’s statutory duties under the Local Government Act 2002.4

---

4 Local Government Act 2002, sections 3, 10, 14 and 155.
Table 1: Summary of assessment of options

<table>
<thead>
<tr>
<th>Option</th>
<th>Effectiveness at reducing crime or disorder in certain public places caused or made worse by alcohol consumption there</th>
<th>Efficiency at reducing crime or disorder in certain public places caused or made worse by alcohol consumption there</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option one: status quo -</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>retain the current Bylaw</td>
<td></td>
<td></td>
</tr>
<tr>
<td>that makes alcohol bans by</td>
<td></td>
<td></td>
</tr>
<tr>
<td>resolution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Option two: amend the current Bylaw - amend the status quo (Recommended)</td>
<td>✓✓</td>
<td>✓✓</td>
</tr>
<tr>
<td>Option three: replace the</td>
<td>✓✓</td>
<td>××</td>
</tr>
<tr>
<td>current Bylaw - new Bylaw</td>
<td></td>
<td></td>
</tr>
<tr>
<td>that contains all alcohol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>bans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Option four: revoke Bylaw -</td>
<td>××</td>
<td>××</td>
</tr>
<tr>
<td>no Bylaw and instead rely</td>
<td></td>
<td></td>
</tr>
<tr>
<td>on other existing methods</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Key: “✓” and “×” reflect the impact of the option against each criterion relative to other options. For instance, the more “✓”, the better the option.

19. Option two - amend Bylaw scores most favourably against the assessment criteria. It also responds to the problem definition about litter, public urination, vandalism and intimidation caused or made worse by the consumption of alcohol in certain public places.

20. Based on analysis against assessment criteria and the pros and cons of each option, staff recommend Option two: amend the current Bylaw as it:
   - retains a regulatory tool that (to varying degrees) can help reduce crime or disorder in certain public places caused or made worse by alcohol consumed there
   - improves on the status quo by including event venue alcohol bans, clarifying adoption of temporary alcohol bans, removing clauses that duplicate legislation and making the Bylaw easier to understand
   - retains delegated decision-making of alcohol bans by resolution with local boards.

21. Staff consider that the key trade-offs between the recommendation Option two - amend Bylaw and the other options are as follows:
   - Option one - status quo is less effective, contains unnecessary provisions, is hard to follow, and does not include event venue alcohol bans
   - Option three - replace Bylaw is less efficient because any future alcohol bans would require a bylaw amendment which is less responsive than a resolution.

22. Staff consider Option four - revoke Bylaw to be the least effective option. This option would remove a regulatory tool that helps reduce crime and disorder in over 700 alcohol ban areas.

Changes to legislation required to enable greater alcohol harm prevention

23. Committee members during their consideration of the findings report on 11 April 2019 sought advice on how council could make wider use of alcohol bans. This was in response to findings about the difficulties in gathering evidence and the desire for alcohol bans to prevent alcohol harm and associated public safety issues.

24. Preventing harm through alcohol bans would require changes to the Local Government Act 2002. The most beneficial changes would reduce evidence requirements as set out in sections 147A and 147B of the Act. A key change would be to the policy intent of the Act to include alcohol harm prevention.
25. The committee could request that the Chair of the Regulatory Committee advocate this case to the Minister of Local Government on behalf of the Regulatory Committee.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

26. Council units are aware of the options for the future of the Bylaw.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

27. The Bylaw is important to local boards as they have authority to make local alcohol bans. The main view of local board members was to retain local board decision-making authority. Option two (recommended) would retain local board decision-making.

Tauākī whakaaweawe Māori Māori impact statement

28. The Bylaw has significance for Māori as users and kaitiaki of public spaces. Māori are also over-represented in alcohol-related hospital visits, justice system and as victims of crime.

29. Input was sought from Mana Whenua and Māori organisations. Māori health advocacy organisations, Te Puni Kōkiri and the Maunga Authority support the use of alcohol bans as a tool to reduce alcohol-related harm. Recommended Option two - amend Bylaw would retain and improve council’s approach to alcohol bans.

Ngā ritenga ā-pūtea Financial implications

30. The cost of the Bylaw review and implementation will be met within existing budgets.

Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

31. There is a low risk that stakeholders or the public may express concern about the recommended Option two - amend Bylaw. The concern may be the lack of harm prevention and ability to use alcohol bans more widely. This risk will be mitigated by public communication about the limitations of alcohol bans under government legislation.

32. The committee may also decide to advocate to government to change alcohol ban legislation to prevent alcohol harm and associated public safety issues. This may also help mitigate public concern.

Ngā koringa ā-muri Next steps

33. If approved, staff will prepare a statement of proposal, including an amended Bylaw. A report to the committee in early 2020 will recommend the Governing Body adopt the proposal for public feedback. The report will also seek to appoint a panel to consider public feedback.
Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Options report for the 2018 review of the Alcohol Control Bylaw 2014</td>
<td>33</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Bonnie Apps - Policy Analyst</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Kataraina Maki - GM - Community &amp; Social Policy</td>
</tr>
<tr>
<td></td>
<td>James Hassall - Director Regulatory Services (Acting)</td>
</tr>
</tbody>
</table>
Alcohol Control Bylaw 2014 Review

2018 Options report

Introduction

This report analyses the options available to Auckland Council in response to the statutory review of the Auckland Council Alcohol Control Bylaw 2014 (Bylaw). It draws on findings contained in the “Alcohol Control Bylaw 2014: 2018 Review Findings Report”.

Executive summary

To enable Auckland Council to decide how to respond to the findings from the statutory review of the Auckland Council Alcohol Control Bylaw 2014 (Bylaw), staff assessed the following options using Local Government Act 2002 criteria:

- **Option one**: status quo – retain Bylaw that makes alcohol bans by resolution
- **Option two**: amend the current Bylaw – improve the status quo
- **Option three**: replace the current Bylaw – new bylaw that contains all alcohol bans
- **Option four**: revoke Bylaw – no bylaw and instead rely on other existing methods.

Staff recommend **Option two** (amend the current Bylaw) because it:

- retains a regulatory tool that (to varying degrees) can help reduce crime or disorder in certain public places caused or made worse by alcohol consumed there
- improves on the status quo (Option one) by including event venue alcohol bans, clarifying adoption of temporary alcohol bans, removing clauses that duplicate legislation and making the Bylaw easier to understand
- retains delegated decision-making of alcohol bans by resolution with local boards.

**Option one** (status quo) and **Option three** (replace the current Bylaw) both provide a preventative regulatory tool. Compared to Option two (amend the current Bylaw), however:

- Option one is less effective, contains unnecessary provisions, is hard to follow, and does not include event venue alcohol bans
- Option three is less efficient because any future alcohol bans would require a bylaw amendment which is less responsive than a resolution.

**Option four** (revoke Bylaw) is the least effective option because it removes a regulatory tool that helps reduce crime and disorder in over 700 alcohol ban areas where there is evidence of high levels of crime or disorder caused or made worse by alcohol consumed there.
Status quo (current Bylaw) and problem definition

Status quo (current Bylaw)

The current Bylaw provides a framework (refer Figure 1 on page 4) that:

- enables alcohol bans to be made by resolution of delegated authorities (Regulatory Committee, Auckland Domain Committee and all 21 local boards)
- sets out decision-making criteria, some of which is legislative
- identifies exceptions
- enables signage requirements to be made by resolution.

Alcohol bans made by resolution are recorded in a register, can be viewed on council’s website and are attached to the Bylaw as information only.

Original problem statement

When the Bylaw was made, staff defined the original problem as "crime or disorder caused or made worse by the consumption of alcohol in public places."

Current and future problem

The current and future problem remains “crime or disorder caused or made worse by the consumption of alcohol in certain public places", for example:

- noise nuisance
- litter
- public urination
- vandalism
- theft, such as mugging
- intimidation
- violence.

Scale and magnitude of the problem

There is no reliable data available about the scale and magnitude of public drinking in Auckland. However, on-going demand for alcohol bans and stakeholder narratives show crime and disorder still occurs in certain public places that are associated with frequent, heavy drinking. Stakeholders also consider the scale of the problem may increase in the future as Auckland’s population and urban density increases.¹

Who the problem affects

Police find larger groups of people drinking for longer periods of time, especially late at night are more likely to cause crime and disorder problems. Especially when this takes place in public places that are not designed for recreation, such as streets and car parks.

Stakeholders agree certain large-scale events in certain locations are predisposed to alcohol-related problems, because they bring concentrations of drinkers into an area. For example, night-time concerts or music festivals.

¹ Refer sections 2.5, 4.1 and 4.2 of the Alcohol Control Bylaw 2014: 2018 Review Findings Report.
These problems affect nearby residents and users of the space by interrupting sleep, reducing the recreational or visual amenity of the space, placing them in direct danger of physical harm and making people feel unsafe more generally. They also require resource from Police, Council staff, hospital staff, emergency services and the justice system.

**Objectives**

The objectives of a regulatory response to this problem are to:

- reduce crime or disorder in certain public places caused or made worse by alcohol consumed there
- meet legislative requirements under the Local Government Act 2002 including:
  - giving effect to its identified priorities and desired outcomes in an efficient and effective manner (section 14)
  - ensuring any bylaw is appropriate and does not give rise to any implications with the New Zealand Bill of Rights Act 1990 (sections 155 and 160).

The objectives align with the Auckland Plan 2050 (Belonging and Participation, Focus area 1) and Auckland Council Whānau Internal Strategy to Minimise Alcohol-Related Harm 2016.

**Outcome**

The key desired outcome is that the public are protected from crime or disorder in public places caused or made worse by alcohol consumed there.

**Options**

Staff identified the following options to achieve the outcome sought:

- **Option one:** status quo – retain Bylaw that makes alcohol bans by resolution
- **Option two:** amend the current Bylaw – improve the status quo
- **Option three:** replace the current Bylaw – new bylaw that contains all alcohol bans
- **Option four:** revoke Bylaw – no bylaw and instead rely on other existing methods.

A more detailed description of the options is provided below.

**Option one: status quo – retain Bylaw that makes alcohol bans by resolution**

**Description**

Retains the current framework Bylaw (Figure 1) that:

- enables alcohol bans to be made by resolution of delegated authorities
- sets out decision-making criteria, some of which is legislative
- identifies exceptions
- enables signage requirements to be made by resolution.
Implementation

Alcohol ban requests are processed by Auckland Council’s Social Policy and Bylaws unit. Requests are reported to the relevant delegated authority for a decision when certain minimum information requirements are met.

If an alcohol ban is adopted, signage is installed. Signage is funded from various sources. Local boards fund signage of new permanent alcohol bans which are then maintained by Community Facilities. Event planners like Auckland Tourism, Events and Economic Development fund temporary alcohol ban signage for events through event licensing fees.

Alcohol bans made by resolution are recorded in a register. They can be viewed on council’s website and are attached to the Bylaw as information only.

Police are responsible for enforcing alcohol bans.
Pros

- Provides a preventative regulatory tool to reduce crime or disorder in certain public places caused or made worse by alcohol consumed there.
- Enables responsive decision-making at the most appropriate level of local government.

Cons

- Alcohol bans have differing levels of effectiveness linked to how an alcohol ban is enforced, whether alcohol is the primary reason for people going to a location, and how strongly incidents of crime or disorder are linked to drinking.\(^2\)
- Limits freedom of people to drink responsibly in alcohol ban areas.
- Does not easily enable a preventative approach for large scale events at event venues.
- Bylaw could be more clearly and concisely drafted.

Risks

- May displace alcohol-related crime or disorder to other public places.
- May further marginalise vulnerable Aucklanders who drink in public places to more dangerous places.

*Mitigation*

- These risks can be mitigated by considering displacement when making decisions.

**Option two: amend the current Bylaw to improve the status quo**

**Description**

Improves on the current Bylaw framework in Option one by:

- including recurring temporary alcohol bans for events at event venues in the Bylaw on public places surrounding:
  - Mount Smart Stadium
  - Western Springs Stadium
  - Eden Park (including Fan Trail)
  - the Auckland Domain and the domain itself.
- clearly stating council’s ability to adopt temporary alcohol bans
- removing clauses that duplicate legislation about decision-making criteria with related information
- removing clauses about signage requirements with related information.

A more detailed assessment of the above amendments is contained in Table 2.

General improvements would also be made to implement current best practice drafting to make the Bylaw easier to understand and consistent with other recently reviewed bylaws.

**Implementation**

Same as Option one.

**Pros**

- Provides a preventative regulatory tool to reduce crime or disorder in certain public places caused or made worse by alcohol consumed there.

\(^2\) Refer sections 4.3.4 of the Alcohol Control Bylaw 2014: 2018 Review Findings Report.
• Enables responsive decision-making at the most appropriate level of local government.
• Provides a preventative approach to alcohol-related disorder associated with large-scale events at event venues.
• Would remove unnecessary bylaw clauses and be easier to understand.

Cons
• Alcohol bans have differing levels of effectiveness linked to how an alcohol ban is enforced, whether alcohol is the primary reason for people going to a location, and how strongly incidents of crime or disorder are linked to drinking.\(^3\)
• Limits freedom of people to drink responsibly in alcohol ban areas.

Risks
• Same as Option one.

**Option three: replace current Bylaw – new bylaw that contains all alcohol bans**

**Description**
Makes a new bylaw that contains all current and future alcohol bans.

**Implementation**
Same as Option one, except that decisions will be made by the Governing Body of Auckland Council and all requests would be processed as an amendment to the bylaw using the formal consultative process under section 82A or 83 of the Local Government Act 2002.

**Pros**
• Provides a preventative regulatory tool to reduce crime or disorder in certain public places caused or made worse by alcohol consumed there.
• Provides a preventative approach to alcohol-related disorder associated with large scale events at event venues.
• Would remove unnecessary bylaw clauses and be easier to understand.
• A wider range of people will be invited to have their say about alcohol ban locations.

**Cons**
• Alcohol bans have differing levels of effectiveness, linked to how an alcohol ban is enforced, whether alcohol is the primary reason for people going to a location, and how strongly incidents of crime or disorder are linked to drinking.\(^4\)
• Limits freedom of people to drink responsibly in alcohol ban areas.
• Governing Body makes decisions that are of local significance.
• Adopting alcohol bans through a bylaw amendment is less responsive than by local board resolution.

**Risks and risk mitigation**
• Same as Option one.
• Public are harmed by crime and disorder that occurs while going through the longer process to amend bylaw compared to a delegated authority decision by resolution.

---

\(^2\) Refer sections 4.3.4 of the Alcohol Control Bylaw 2014: 2018 Review Findings Report.
This risk cannot be mitigated as the process to make alcohol bans by bylaw will always take longer than that by resolution.

**Option four: revoke Bylaw – no bylaw and instead rely on other existing methods**

**Description**
Current Bylaw and all current alcohol bans revoked. Council would instead rely on other existing methods.

**Implementation**
Council would continue to use other existing methods, for example alcohol licensing, locking park gates at night and Police use of Summary Offences Act 1981 and Crimes Act 1961.

**Pros**
- No future costs associated with processing and implementing alcohol bans.

**Cons**
- Precludes the use of a preventative regulatory tool to reduce crime or disorder in certain public places caused or made worse by alcohol consumed there.
- It would expose the public to an increased risk of alcohol-related harm in over 700 alcohol ban areas where there is evidence of high levels of crime or disorder.

**Risks**
- There is a reputational risk from potential public criticism in response to reduced protection from alcohol-related crime and disorder.

**Mitigation**
- Advise public of existing methods that will be utilised and ability to complain to Police.

**Options assessment**

**Preliminary legal assessment**
Bylaws must comply with certain legal requirements, not be beyond the powers of the council (ultra vires) and not contradict the general laws of New Zealand (repugnant) or be unreasonable. Staff consider all options meet these preliminary legal requirements.

**New Zealand Bill of Rights Act 1990 assessment**
There are no implications and Options one (status quo), two (amend Bylaw) and three (revoke Bylaw) are not inconsistent with the New Zealand Bill of Rights Act 1990.

These three options raise potential limitations to the freedoms of expression, peaceful assembly and movement, to be secure against unreasonable search and seizure, and not to be arbitrarily arrested. Staff consider these potential limitations are justified because council’s ability to make alcohol bans is limited by legislative criteria, and alcohol bans help prevent harm to the public.

Option four (revoke Bylaw) does not require the preparation of a bylaw and therefore a New Zealand Bill of Rights Act 1990 assessment is not required.
Assessment against criteria

Staff completed a comparative assessment against two criteria that reflect the objectives of a regulatory response to the problem:

- **effectiveness** – how well the option will reduce crime or disorder in certain public places caused or made worse by alcohol consumption there
- **efficiency** – how easily the option will reduce crime or disorder in certain public places caused or made worse by alcohol consumption there.

The criteria and a summary of the assessment is shown in Table 1. The “✓” and “✗” reflect the impact of the option against each criterion relative to other options. For instance, the more “✓”, the better the option.

**Table 1: Summary of assessment of options against stated objectives**

<table>
<thead>
<tr>
<th>Option one: status quo</th>
<th>Effectiveness at reducing crime or disorder in certain public places caused or made worse by alcohol consumption there</th>
<th>Efficiency at reducing crime or disorder in certain public places caused or made worse by alcohol consumption there</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✓ Retains ability to make alcohol bans to reduce crime or disorder in certain public places caused or made worse by alcohol consumed there.</td>
<td>✓ Retains ability to make alcohol bans by resolution which is more efficient than using the formal consultative processes in sections 82A and 83 of the Local Government Act 2002.</td>
</tr>
<tr>
<td></td>
<td>• No improvements to include temporary alcohol bans for large-scale events in Bylaw (refer Table 2 for further details).</td>
<td>• No improvements to remove unnecessary provisions and make the Bylaw easier to understand.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option two: amend the current Bylaw Recommended</th>
<th>Effectiveness at reducing crime or disorder in certain public places caused or made worse by alcohol consumption there</th>
<th>Efficiency at reducing crime or disorder in certain public places caused or made worse by alcohol consumption there</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✓✓ Improves status quo by including temporary alcohol bans for large-scale events in the Bylaw (refer Table 2 for further details).</td>
<td>✓✓ Improves status quo by removing unnecessary provisions and making the Bylaw easier to understand.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option three: replace the current Bylaw</th>
<th>Effectiveness at reducing crime or disorder in certain public places caused or made worse by alcohol consumption there</th>
<th>Efficiency at reducing crime or disorder in certain public places caused or made worse by alcohol consumption there</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✓✓ Same as Option two.</td>
<td>✗✗ Processing alcohol ban requests as an amendment to a bylaw would take longer and require more resources for consultation than when decided by resolution.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option four: revoke Bylaw</th>
<th>Effectiveness at reducing crime or disorder in certain public places caused or made worse by alcohol consumption there</th>
<th>Efficiency at reducing crime or disorder in certain public places caused or made worse by alcohol consumption there</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✗✗ Removes a regulatory tool that helps reduce crime or disorder in over 700 alcohol ban areas where there is evidence of high levels of crime or disorder.</td>
<td>✗✗ Council would be likely to incur extra costs to clean up litter and repair damage caused by alcohol consumed in public places.</td>
</tr>
</tbody>
</table>
Table 2: Detailed assessment of potential Option two bylaw amendments

<table>
<thead>
<tr>
<th>Stakeholders suggested bylaw improvement</th>
<th>Pros</th>
<th>Cons</th>
<th>Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Include in the Bylaw recurring temporary alcohol bans for events at event venues on: public places surrounding Mount Smart Stadium public places surrounding Western Springs Stadium public places surrounding Eden Park (including Fan Trail) the Auckland Domain and surrounding public places. Existing resolutions about the above temporary alcohol bans would be rescinded after the Bylaw is amended.</td>
<td>• Less risk of successful legal challenge. • Temporary alcohol bans in a bylaw are allowed to be made as a preventative measure.5 In contrast, temporary alcohol bans by resolution must be based on evidence about the public place. Obtaining this evidence is difficult at venues where alcohol bans have previously been used as a preventive measure and where the risk to public safety outweighs the risk of legal challenge.</td>
<td>• Any changes to a temporary alcohol ban in a bylaw would be processed as a bylaw amendment which is less efficient than by resolution. This can be mitigated by continuing to enable temporary alcohol bans to be made by resolution.</td>
<td>• Confusion from having alcohol bans made in a bylaw and by resolution. <strong>Mitigation</strong> • Public-facing register of all alcohol bans • Related information notes in Bylaw referring to alcohol ban register.</td>
</tr>
<tr>
<td><strong>Recommended</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Clearly state council’s ability to make temporary alcohol bans.</td>
<td>• Bylaw easier to understand.</td>
<td>• None.</td>
<td>• Could increase requests for temporary alcohol bans. <strong>Mitigation</strong> • Risk is low because main requesters are aware of ability to request a temporary ban, for example Police, local boards and event planners.</td>
</tr>
</tbody>
</table>

---


5 Section 147A(1)(b) of the Local Government Act 2002.
## Stakeholders suggested bylaw improvement

<table>
<thead>
<tr>
<th></th>
<th>Pros</th>
<th>Cons</th>
<th>Risks</th>
</tr>
</thead>
</table>
| 3. | Replace statutory provisions about decision-making criteria with a related information note.  
This relates to sub-clause 7(2)(a), (b), (c), (e), (f), (g) and (h).  
Sub-clause 7(2)(i) about consideration of standard alcohol ban durations would remain required. |     | None.                                                                                                                                 |
|   | Recommended                                                                                                                                                                                        |     | Perception that related information is seen as less important and has less weight in decision-making.  
**Mitigation**  
Highlight the importance in the related information note and include links to information about the decision-making criteria, including its implementation (for example a process guide). |
| 4. | Replace provisions about signage (Clause 8) with a related information note.                                                                                                                     |     | None.                                                                                                                                 |
|   | **Recommended**                                                                                                                                                                                     |     | None.                                                                                                                                 |
| 5. | Enable Council to make special exemptions.  
These would allow people to bring and consume alcohol in an alcohol ban area during certain events, if criteria were met.  
Not recommended.                                                                                                                   |     | Council perceived to favour certain groups or people.  
**Exemption used for commercial interests, for example by giving alcohol to promote a product.**  
**Mitigation**  
Continue to provide for appropriate exemptions through the special licence process.                                              |     |                                                                                                                                 |

---

* Auckland Council Whānau Alcohol Harm Reduction Strategy
Analysis and recommendations

Option two - amend Bylaw scores most favourably against the assessment criteria.

Based on analysis against assessment criteria and the pros and cons of each option, staff recommend **Option two** (amend the current Bylaw) because it:

- retains a regulatory tool that (to varying degrees) can help reduce crime or disorder in certain public places caused or made worse by alcohol consumed there
- improves on the status quo (Option one) by including event venue alcohol bans, clarifying adoption of temporary alcohol bans, removing clauses that duplicate legislation and making the Bylaw easier to understand
- retains delegated decision-making of alcohol bans by resolution to local boards.

**Option one** (status quo) and **Option three** (replace the current Bylaw) both provide a preventative regulatory tool. Compared to Option two (amend the current Bylaw) however:

- Option one is less effective, contains unnecessary provisions, is hard to follow, and does not include event venue alcohol bans
- Option three is less efficient because any future alcohol bans would require a bylaw amendment which is less responsive than a resolution.

**Option four** (revoke Bylaw) is the least effective option because it removes a regulatory tool that helps reduce crime and disorder in over 700 alcohol ban areas where there is evidence of high levels of crime or disorder.
Te take mō te pūrongo

Purpose of the report

1. To request the appointment of Independent Hearings Commissioners to hear submissions and make decisions on Plan change 18 - Tamaki Open Space Rezoning.

Whakarāpopototanga matua

Executive summary

2. Plan change 18 seeks to rezone parts of three reserves in Tamaki. These are:
   - Taniwha Reserve
   - Maybury reserve - west and
   - Boundary Reserve.

3. The rezoning of these three reserves has been identified in the Tamaki Open Space Network Plan, which guides land exchanges and rezoning of open space within the Tamaki regeneration area. The aim of land exchanges and rezoning in the Tamaki regeneration area is to improve the quality of open space and facilitate development.

4. The Tamaki Open Space Network Plan identifies a sustainable and a quality open space network for Tamaki, which includes a programme of rezoning and land exchange. The rezoning of these three reserves is the first plan change in a series of plan changes to deliver the network plan.

5. Plan change 18 was notified on 21 February 2019 and the submission period closed on 22 March 2019. A total of 20 submissions were received and nine submitters would like to be heard.

6. Plan change 18 was notified for further submissions on 12 April 2019 and the submission period closes on 4 May 2019.

7. It is proposed that two independent hearings commissioners, with legal or planning experience, are appointed to hear and make decisions on Plan change 18.

Ngā tūtohunga

Recommendation/s

That the Regulatory Committee:

a) appoint an independent hearings commissioner, with legal or planning experience, to chair the independent hearing panel for Plan Change 18 to the Auckland Unitary Plan

b) appoint one commissioner with legal or planning experience to hear the submissions on Plan Change 18 to the Auckland Unitary Plan

c) delegate to the independent commissioners appointed in clauses (a) and (b), the authority to make decisions on Plan Change 18 to the Auckland Unitary Plan

d) delegate to the Chair of the Regulatory Committee the authority to make replacement appointments if necessary.
Horopaki

Context

Background to Plan Change 18- Tāmaki Open Space Rezoning

8. Plan Change 18 – Tāmaki Open Space Rezoning is the first plan change as part of a wider programme of land exchanges and rezoning across the Tāmaki regeneration area.

9. The Tāmaki regeneration area is an area of urban regeneration led by the Tāmaki Regeneration Company. The Company is joint venture between central government and Auckland Council to deliver 7,500 homes and community facilities over the next 25 years.

10. Land exchanges and rezoning across this regeneration area seek to improve the quality of open space and facilitate development.

11. In some instances, the configuration of parcels of open space and residential zoned land does not lend itself to its intended purpose. For instance, land currently zoned open space cannot be used for recreational activities or land better suited to residential uses cannot be used as such. Land exchanges and rezoning facilitates and progresses appropriate and efficient use of the parcels of land.

12. To facilitate better configuration of open space, the Tāmaki Open Space Network Plan was developed to deliver a sustainable and a quality open space network for Tāmaki. It also guides land exchanges and rezoning in the Tāmaki regeneration area.

13. Plan change 18 is the first plan change for land exchanges and rezoning in this area.

14. Plan change 18 seeks to rezone parts of three reserves. These reserves are:
   - Taniwha Reserve
   - Maybury reserve- west
   - Boundary Reserve

15. Attachment A of this report contains the plan change maps.

Public notification of Plan Change 18- Tāmaki Open Space Rezoning

16. On 27 November 2019, the Planning Committee approved the notification of Plan change 18.

17. Plan change 18 was subsequently notified on 21 February 2019 and the submission period closed on 22 March 2019. A total of 20 submissions were received and nine submitters would like to be heard.

18. Public notice for further submissions occurred on 12 April 2019 and the further submissions period closes 4 May 2019. More submitters may want to be heard as a result of the further submissions process.

Tātaritanga me ngā tohutohu

Analysis and advice

19. Given the small scale of the plan change and number of submissions received, it is proposed that submitters are heard over one day, at the availability of the commissioners.

20. It is also proposed that the hearings panel is comprised of two independent hearings commissioners, with legal or planning experience, to hear and make decisions on Plan change 18.
Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
22. Panuku Development Auckland is one of Auckland Council’s representatives in this joint venture with Tāmaki Regeneration Company.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
23. The three reserves in this plan change are within the Maungakiekie-Tāmaki Local Board area.
24. The Maungakiekie-Tāmaki Local Board has been involved in the development of the Tāmaki Open Space Network Plan.
25. On 12 June 2018, a workshop was held with the Maungakiekie-Tāmaki Local Board to seek feedback on the proposed rezoning of open space land (including parts of these three reserves) in the Tāmaki regeneration area. The local board subsequently endorsed the proposed rezoning of parts of these three reserves on 24 July 2018.

Tauākī whakaaweawe Māori
Māori impact statement
26. Staff engaged with mana whenua in June 2018 to seek feedback on the rezoning of these three reserves (as well as other open space reserves).
27. There were no comments from mana whenua on the proposed changes to these three reserves.
28. As part of ongoing engagement with mana whenua, the Tāmaki Regeneration Company holds monthly and specific mana whenua engagement on neighbourhood development within the Tāmaki regeneration area.

Ngā ritenga ā-pūtea
Financial implications
29. The cost of this plan change is part of the Plans and Places Department’s operational budgets.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
30. There are no risks associated with the recommendations made in this report.

Ngā koringa ā-muri
Next steps
31. Delegation is sought to enable the independent commissioners to hear the submissions and make decisions on the plan change. Once a decision has been made and the appeal period has lapsed, the Auckland Unitary Plan will be updated. The plan change will be made operative once any appeals are resolved.
Request to appoint Independent Hearings Commissioners to hear submissions on Plan Change 18, to the Auckland Unitary Plan (Operative in part)

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Plan Change 18: Proposed Plan Change Maps - Tamaki</td>
<td>49</td>
</tr>
</tbody>
</table>

**Ngā kaihaina Signatories**

<table>
<thead>
<tr>
<th>Author</th>
<th>Jasmin Kaur - Planner</th>
</tr>
</thead>
</table>
| Authorisers  | John Duguid - General Manager - Plans and Places  
               James Hassall - Director Regulatory Services (Acting) |
Proposed Plan Change 18: Tāmaki Open Space Rezoning

Proposed amendments to Auckland Unitary Plan GIS Viewer (Maps)

Notes:
1. The proposed change to the viewer (maps) has not been made.
2. The map is shown to place the changes in context.

Map number: 1
Geographic area: Central
Subject property: 193 – 195 Taniwha Street, Glen Innes
Legal Description(s): Pt Lot 142 DP 42356
Current zone(s): Open Space – Informal Recreation Zone
Proposed zone: Residential – Terrace Housing and Apartment Building Zone
Proposed Plan Change 18: Tāmaki Open Space Rezoning

Proposed amendments to Auckland Unitary Plan GIS Viewer (Maps)

Notes:

1. The proposed change to the viewer (maps) has not been made.
2. The map is shown to place the changes in context.

<table>
<thead>
<tr>
<th>Map number:</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geographic area:</td>
<td>Central</td>
</tr>
<tr>
<td>Subject property:</td>
<td>Part of 6-8 Harlow Place, Glen Innes</td>
</tr>
<tr>
<td>Legal Description(s):</td>
<td>Lot 121 DP 39662</td>
</tr>
<tr>
<td>Current zone(s):</td>
<td>Residential – Terrace Housing and Apartment Building Zone</td>
</tr>
<tr>
<td>Proposed zone:</td>
<td>Open Space – Informal Recreation Zone</td>
</tr>
</tbody>
</table>

![Map Image]
Proposed Plan Change 18: Tāmaki Open Space Rezoning

Proposed amendments to Auckland Unitary Plan GIS Viewer (Maps)

Notes:

1. The proposed change to the viewer (maps) has not been made.
2. The map is shown to place the changes in context.

Map number: 3
Geographic area: Central
Subject property: Part of 4 Harlow Place, Glen Innes
Legal Description(s): Lot 4 DP 39662
Current zone(s): Residential – Terrace Housing and Apartment Building Zone
Proposed zone: Open Space – Informal Recreation Zone
Provisional Plan Change 18: Tāmaki Open Space Rezoning

Proposed amendments to Auckland Unitary Plan GIS Viewer (Maps)

Notes:
1. The proposed change to the viewer (maps) has not been made.
2. The map is shown to place the changes in context.

Map number: 4
Geographic area: Central
Subject property: 193 – 195 Taniwha Street, Glen Innes
Legal Description(s): Area B
Current zone(s): Open Space – Informal Recreation Zone
Proposed zone: Residential – Terrace Housing and Apartment Building Zone
Proposed Plan Change 18: Tamaki Open Space Rezoning

Proposed amendments to Auckland Unitary Plan GIS Viewer (Maps)

Notes:
1. The proposed change to the viewer (maps) has not been made.
2. The map is shown to place the changes in context.

Map number: 5
Geographic area: Central
Subject property: 180-202 Taniwha Street, Glenn Innes
Legal Description(s): Lot 165 DP 43833, Lot 166 DP 43833, Lot 167 DP 43833 & Lot 168 DP 43833
Current zone(s): Residential – Terrace Housing and Apartment Building Zone
Proposed zone: Open Space – Informal Recreation Zone
Item 10

Proposed Plan Change 18: Tamaki Open Space Rezoning

Proposed amendments to Auckland Unitary Plan GIS Viewer (Maps)

Notes:

1. The proposed change to the viewer (maps) has not been made.
2. The map is shown to place the changes in context.

Map number: 6
Geographic area: Central
Subject property: 143 Tripoli Road, Point England
Legal Description(s): Part of Lot 529 DP 44905, Pt Lot 36 DP 44905
Current zone(s): Open Space – Informal Recreation Zone
Proposed zone: Residential – Mixed Housing Zone
Te take mō te pūrongo
Purpose of the report
1. To provide an update of all current resource consent appeals lodged with the Environment Court (Attachment A and Attachment B).
2. To note the progress on the forward work programme (Attachment C).

Whakarāpopototanga matua
Executive summary
3. This is a regular information-only report which aims to provide visibility of information circulated to committee members via memo or other means, where no decisions are required.
4. The workshop papers and any previous documents can be found on the Auckland Council website at the following link: http://infocouncil.aucklandcouncil.govt.nz/
   • at the top left of the page, select meeting “Regulatory Committee” from the drop-down and click ‘view’;
   • under ‘Attachments’, select either HTML or PDF version of the document entitled ‘Extra Attachments’
5. Note that, unlike an agenda decision report, staff will not be present to answer questions about these items referred to in this summary. Committee members should direct any questions to the authors.

Ngā tūtohunga
Recommendation/s
That the Regulatory Committee:
a) receive the Regulatory Committee Summary of Information Items 9 May 2019 report.

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Region-wide appeals</td>
<td>57</td>
</tr>
<tr>
<td>B</td>
<td>Appeals status report</td>
<td>67</td>
</tr>
<tr>
<td>C</td>
<td>Forward Work Programme</td>
<td>69</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Maea Petherick - Senior Governance Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>James Hassall - Director Regulatory Services (Acting)</td>
</tr>
</tbody>
</table>
RODNEY – Local Board Area (1 Appeal)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Rahopara Farms Ltd and Cabra Rural Developments Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received</td>
<td>12 December 2017</td>
</tr>
<tr>
<td>References</td>
<td>ENV-2017-AKL-000182</td>
</tr>
<tr>
<td></td>
<td>Rahopara Farms Ltd and Cabra Rural Developments Ltd v Auckland Council - BUN60069542</td>
</tr>
<tr>
<td>Site address</td>
<td>1502 Weraui Road &amp; 909 Haruru Road, Wainui.</td>
</tr>
<tr>
<td>Other parties</td>
<td>n/a</td>
</tr>
<tr>
<td>Description</td>
<td>The appeal relates to refusal of the consents applied for to undertake a four stage 31 lot rural residential subdivision and lot relocation at 1502 Weraui Road and 909 Haruru Road, Wainui.</td>
</tr>
<tr>
<td>Iwi comments</td>
<td>-</td>
</tr>
<tr>
<td>Status</td>
<td>An agreement to enable settlement of the appeal was reached at further mediation on 20 December 2018. Discussion is still taking place in order to reach agreement on consent conditions to be contained within the draft consent order envisaged to be forwarded to the Environment Court soon.</td>
</tr>
</tbody>
</table>

Hibiscus and Bays - Local Board Area (1 Appeal)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Auckland Council (Community Facilities)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received</td>
<td>22 December 2017</td>
</tr>
<tr>
<td>References</td>
<td>ENV-2017-AKL-00075</td>
</tr>
<tr>
<td></td>
<td>Council – SUB60069647</td>
</tr>
<tr>
<td>Site address</td>
<td>Orewa Beach Esplanade Reserve, between Kohu Street and Marine View</td>
</tr>
<tr>
<td>Other parties</td>
<td>Four 274 parties</td>
</tr>
<tr>
<td>Description</td>
<td>Appeal by the applicant against council’s decision to refuse consent to the construction of a seawall, walkway and accessory access structures at the Orewa Beach Esplanade Reserve, between Kohu Street and Marine View.</td>
</tr>
<tr>
<td>Iwi comments</td>
<td>Cultural values assessments were prepared by Ngati Manuhiri and Ngai Tai Ki Tamaki that confirmed conditional support for the application. The environment is highly modified and accidental discovery protocols are sought. The application was publically notified and no submissions from Iwi were submitted.</td>
</tr>
<tr>
<td>Status</td>
<td>Court heard from the parties, and by minute of 22 February 2018 set the appeal down for a pre-hearing on jurisdiction over the right to appeal and determined that an amicus curiae should be appointed. Affidavits prepared for the pre-hearing set for 9 April 2018 that proceeded as scheduled. The Court on 2 May 2018 released its decision confirming jurisdiction over the Council’s right to appeal. A pre-hearing of 31 July 2018 discuss timetabling, possible mediation dates and sought the appellant to clarify the appeal issues. Court assisted mediation took place on the 21st and 22nd of February 2019. The substantive issues have been addressed and agreed between the main parties, some s.274 parties have not agreed. The matter is proceeding to a Court hearing, to take place in the week beginning the 6th of May.</td>
</tr>
</tbody>
</table>
### DEVONPORT TAKAPUNA – Local Board Area (1 Appeal)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Pierce Road Coalition</th>
<th>Received</th>
<th>21 February 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2019-AKL-000028</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council – LUC60313256</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>110 Kitchener Road and 1a Pierce Road, Milford</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>One 274 party</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal by submitters against Council’s decision to grant consent to a six story building containing 20 residential apartments and one commercial unit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>The application was publicly notified and no submissions from Iwi were submitted.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Appeal to be set down for mediation. Mediation date yet to be set.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### WAITAKERE – Local Board Area (1 Appeal)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Trustees of Forest Trust and Successors</th>
<th>Received</th>
<th>19 July 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2018-AKL-000145</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council: SUB-2011-63</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>199 Anzac Valley Road, Waitakere</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal against hearing decision to uphold in part and dismiss in part a section 357 objection to conditions and costs of a subdivision resource consent (SUB-2011-63)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>The application did not trigger any requirement for a Cultural Impact Assessment or raise any Iwi or Treaty issues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Appeal lodged on 26 July 2018. Environment Court decision to refuse appeal issued 18 December 2018. Appealed to the High Court however there is now a five year imposed by the Court stay against any current or new appeals lodged by P. Mawhinney of the Forest Trust.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### ALBERT-EDEN – Local Board Area (1 Appeal)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Panuku Development Auckland Council</th>
<th>Auckland v</th>
<th>Received</th>
<th>04 September 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2017-AKL-000176</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council – LUC60303721 &amp; DIS60303722</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>198-202 and 214-222 Dominion Road and 113-117 Valley Road, Mt Eden</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal against a hearing commissioner’s decision to refuse resource consent for a mixed use development comprising four new buildings with 102 residential units, nine retail units and 115 carparks. The commissioner’s grounds for refusal related to the bulk and scale of the proposal and the associated visual, shading and dominance effects, and the adverse effects on Special Character values from the loss of the Universal Building (a character-supporting building).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>The application did not trigger any requirement for a Cultural Impact</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 May 2019
Assessment, attract submissions from Iwi or raise Treaty issues.

**Status**

Appeal regarding a development that has generated media, political and local interest. Council has met on a without prejudice basis with the appellant (18 and 24 September 2018). Court assisted mediation occurred on 31 October 2018, no agreement reached between the parties. Further informal discussion between the parties (December 2018). Second court-assisted mediated occurred on 16 January 2019. Mediation agreement reached – subject to various conditions being satisfied. Council to report back to the Court as to progress by 15 February 2019. A number of the s274 parties have requested further time to consider their positions. Council has filed a memorandum with the Court seeking a judicial conference on the first available date after 15 March 2019. Pre-hearing conference scheduled for 2 April 2019. The pre-hearing conference held on 2 April 2019 confirmed that the matter will proceed to a hearing on or after 15 July 2019. A timetable for evidence exchange has been issued.

**PUKETAPAPA – Local Board Area (1 Appeal)**

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Yu v Auckland Council</th>
<th>Received</th>
<th>7 November 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2018-AKL-000299</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>2 Waikowhai Road, Waikowhai</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other Parties</strong></td>
<td>Tree Council</td>
<td>Shaanan Pilibay</td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal against the decision of hearing commissioners to refuse resource consent for the construction of three new dwellings and an associated subdivision, works which would require the alteration and removal of vegetation within a Significant Ecological Area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>The application was publicly notified. No submissions from iwi were received. The applicant used the Council iwi facilitation service to confirm interest of iwi groups and whether a CIA was required. Ngāti Te Ata Waiohua undertook a site visit and provided feedback on the proposal, which included confirmation that a CIA is not required.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Council met on a without prejudice basis with the appellant (18 December 2018) to discuss potential modifications to the proposal. Court assisted mediation attended Wednesday, 13th February 2019. Parties agreed a timeline for updated plans to be prepared with agreed changes, including planting plan. Consent documentation initially planned to be with the Court by 8 March 2019, this has been extended. Draft consent order has been agreed to among the parties, to be submitted to the EC by week ending 3 May.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**WAIHEKE – Local Board Area (2 Appeals)**

<table>
<thead>
<tr>
<th>Appellants</th>
<th>Cable Bay Wines Ltd v Auckland Council</th>
<th>Received</th>
<th>2 February 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2017-AKL-000010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council – LUC60127798</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>12 Nick Johnston Drive, Waiheke Island</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Cable Bay Wines Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>Stephen &amp; Suzanne Edwards, Julie Loranger &amp; Lindsay Niemann, Michael &amp; Christine Poland.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 May 2019
## Description
Cable Bay appeal Council’s decision to refuse retrospective consent relating to the unlawful establishment and use of an additional dining area known as ‘The Verandah’. The principal issues in contention relate to the scale and intensity of the activity and the general amenity / noise effects associated with the use of the structure.

## Iwi comments
The application was limited-notified to neighbours. No iwi group indicated a need for a cultural impact assessment. The Hearing Commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA.

## Status
The Environment Court directed court-assisted mediation after the expiry of the section 274 period on 15 March 2018. Three s274 parties have joined. Awaiting confirmation of Environment Court mediation date and to involve both the consent appeal and the enforcement order application. Mediation held on 2 July 2018. No agreements reached between the parties. Caucusing between noise experts to on 5 July 2018 and a further mediation to be scheduled. No agreement reached at second mediation and matter to be set down for a hearing. The Court has confirmed a joint resource consent appeal and enforcement order hearing commencing on 7 November 2018. The appellant’s evidence is due by 7 September and the Council’s evidence is due by 21 September. Council to call Planning and Noise expert witnesses. Council’s evidence was filed with the Court on 21 September 2018. The hearing commenced on 7 November 2018 and an interim decision on the resource consent was issued on 21 November to convey the Court’s refusal of part of the application, particularly in relation to the use of the lawn for outdoor dining and drinking, and make further directions about the refinement of conditions of consent to aspects of the proposal which might attract consent. An interim decision on the application for enforcement order was issued on 28 November 2019 ordering Cable Bay to undertake various steps to limit their activities. The Court intends that the orders will substantially mirror the final resource consent conditions. Further monitoring and testing work order by the Court is ongoing. A second interim decision on the resource consent appeal was issued by the Court 22 February 2019 confirming the Court’s earlier decision to refuse consent in part. Further collaborative noise monitoring and assessment has been undertaken by the parties’ acoustic engineers and a report on this work is to be provided to the Court by 8 March 2019. This will assist the court in determining whether or not consent can be granted to a modified proposal for the restaurant, alfresco dining and outdoor functions. A judicial teleconference held on 28 March 2019. A further 1-2 day hearing will be scheduled, however that will not be held until July (as the Judge is away for May and June). An evidence exchange timetable will be set in due course.

<table>
<thead>
<tr>
<th>Appellants</th>
<th>Reliving Ltd v Auckland Council</th>
<th>Received</th>
<th>21 February 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV 2019 AKL 000027</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site address</td>
<td>20C Third Avenue, Waiheke</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant</td>
<td>Reliving Ltd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other parties</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 May 2019
Item 11

**Waitematā (9 appeals)**

<table>
<thead>
<tr>
<th>Appellants</th>
<th>Drago Jujnovich v Auckland Council</th>
<th>Received</th>
<th>11 December 2018</th>
</tr>
</thead>
</table>

**References**
ENV 2018 AKL 000371

**Site address**
560 Richmond Road, Ponsonby

**Applicant**
Drago Jujnovich ci/- Jadran Trust

**Other parties**
Lesley Baddon

**Description**
Appeal against council’s decision to refuse resource consent to establish four visitor accommodation units and 3 dwellings with flexibility to use these dwellings as visitor accommodation units.

**Iwi comments**
No iwi issues. The application was considered in accordance with the RMA.

**Status**
The Environment Court has set down a reporting date of 8 March 2019 to advise of any negotiations on the appeal. The parties have agreed to settle the appeal. Consent documents are currently being prepared for the Court. *A consent order was issued by the 11 April 2019. File closed.*

---

| Appellants | Henry v Auckland Council  
North Eastern Investments Limited v Auckland Council  
The Dark Horse Trust & Others v Auckland Council  
The St Mary’s Bay Association Inc. & Herne Bay Residents Association Inc. | Received | 30 November 2018  
30 November 2018  
30 November 2018  
30 November 2018 |
|------------|---------------------------------------------------------------|----------|----------------|

**References**
ENV 2018 AKL 000359 (Henry)  
ENV 2018 AKL 000358 (NEIL)  
ENV 2018 AKL 000355 (Dark Horse)  
ENV 2018 AKL 000357 (Associations)

**Site address**
St Mary’s Bay and Masefield Beach

**Applicant**
Auckland Council (Healthy Waters)

**Other parties**
numerous

**Description**
Appeal against council’s decision to refuse resource consent to remove an existing dwelling and utilise the site for up to 13 carparking spaces (staff cars and cars waiting to be repaired) associated with the West Lynn Paint and Panel shop.

**Iwi comments**
No iwi issues. The application was considered in accordance with the RMA.

**Status**
The Environment Court has set down a reporting date of 31 January 2019 to advise of any negotiations on the appeal. Joint memorandum filed by parties on 31 January for a further reporting date to the Court of 12 March 2019. *A mediation set down for 28 March has since been deferred to 17 April 2019. Mediation held and parties have agreed to settle the appeal. Conditions currently being drafted by Council for circulation to parties for comments.*

---

*Region-wide Appeals Register – 9 May 2019*
section 274 party in support of the Council’s decision.

**Status**  
The Environment Court has set down mediation in weeks 18 and 25 February 2019. Environment Court mediations held on 18 and 25 February 2019 to clarify issues and discuss and amend conditions of consent. Parties are to file a joint memorandum by 1 March 2019 setting out a timetable for a hearing in June. Appeal by NEIL and its section 274 notices to the appeals listed above withdrawn on 25 February 2019. *Late applications by Watercare and Mr. and Ms. Henry to join as a section 274 party granted by the judge at the judicial conference held on 29 March 2019. Mediations held on 18 and 25 February. Parties are still in discussions with a reporting date to be agreed and approved by the Court.*

<table>
<thead>
<tr>
<th>Appellants</th>
<th>Ngāi Tai Ki Tāmaki v Auckland Council</th>
<th>Received</th>
<th>30 January 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Te Ākitai O Waiohua, Ngaati Whanaunga, Ngaati Tamaoho, Ngaati Tamaterâ, Te Patukirikiri, And Ngāi Maru v Auckland Council</td>
<td></td>
<td>30 January 2019</td>
</tr>
<tr>
<td></td>
<td>Ngāti Whātau Orakei Whaia Maia Limited v Auckland Council</td>
<td></td>
<td>31 January 2019</td>
</tr>
</tbody>
</table>

**References**  
ENV-2019-AKL-000014  
ENV-2019-AKL-000015  
ENV-2019-AKL-000016

**Site address**  
31 Westhaven Drive, Auckland Central

**Other Parties**  
Ngāti Te Ata

**Description**  
Appeal against the decision of hearing commissioners to grant resource consents for the redevelopment of existing pile moorings within the Westhaven Marina, including land reclamation, installation of new pile berths, a new car park, and a new observation deck and public open space area

**Iwi comments**  
The applications were publicly notified. Submissions from appellant iwi were received, along with other iwi who have not lodged an appeal against these decisions.

**Status**  
ENV-2019-AKL-000014 and ENV-2019-AKL-000015 were withdrawn on 13 January 2019. Mediation scheduled with remaining appellant (Ngāti Whātau Orakei Whaia Maia Limited) and s274 parties on the 29 April 2019. *Mediation for 29 April cancelled at the agreement of all parties, appeal will proceed to a hearing, to be held on or after 19 August. A s116 application was made to allow consents to commence while appeal is determined, this was approved by EC on the 27 March.*

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Ferry Building Limited v Auckland Council</th>
<th>Received</th>
<th>25 February 2019</th>
</tr>
</thead>
</table>

**References**  
ENV-2019-AKL-000030

**Site address**  
Quay Street, Auckland Central

**Other Parties**  
Cooper and Company NZ
### ORAKEI (1 appeal)

<table>
<thead>
<tr>
<th>Appellants</th>
<th>Summerset Villages (St John) Limited v Auckland Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received</td>
<td>10 August 2018</td>
</tr>
<tr>
<td>References</td>
<td>ENV-2018-AKL-000160</td>
</tr>
<tr>
<td>Site address</td>
<td>55-57 Ripon Crescent, Meadowbank</td>
</tr>
<tr>
<td>Applicant</td>
<td>Summerset Villages (St John) Limited</td>
</tr>
<tr>
<td>Other parties</td>
<td>Andrew and Jeanette Hayes and others</td>
</tr>
<tr>
<td>Description</td>
<td>An appeal against a decision to refuse an application to construct and operate a retirement village consisting of 7 buildings with 344 residential units at 55-57 Ripon Cres, Meadowbank</td>
</tr>
<tr>
<td>Iwi comments</td>
<td>The resource consent application was publicly notified and determined by commissioners in accordance with the RMA. Involved stormwater discharge and removal of SEA. CIA provided by Ngai Tai ki Tamaki.</td>
</tr>
<tr>
<td>Status</td>
<td>Council directed to report back to the Court by 24 September 2018 on progress regarding any negotiation/mediation. Awaiting further directions from the Court and confirmation of a mediation date. The appellant has requested further time to consider possible design revisions. The Court required the appellant to report back on 30th November as to progress before scheduling mediation. Court-assisted mediated is scheduled for 27 February 2019. No settlement reached at mediation. The matter is to proceed to a hearing. The timetable for evidence exchange has not yet been set. The Court issued a Minute on 20 March 2019 confirming the timetable for evidence exchange. A 5 day fixture will be allocated after 5 August 2019.</td>
</tr>
</tbody>
</table>

### HOWICK (1 appeal)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>508 Chapel Road Partnership Trust</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received</td>
<td>16 October 2018</td>
</tr>
<tr>
<td>References</td>
<td>ENV-2018-AKL 000281</td>
</tr>
<tr>
<td>Site address</td>
<td>508 Chapel Road Flat Bush</td>
</tr>
<tr>
<td>Applicant</td>
<td>508 Chapel Road Partnership Trust</td>
</tr>
<tr>
<td>Other Parties</td>
<td>W &amp; B Smith, C Yang, M Muthu and T Mahesh</td>
</tr>
<tr>
<td>Description</td>
<td>Appeal by applicant against a decision refusing consent to establish a childcare centre accommodating 60 children and eight full-time staff at 508 Chapel Road, Flat Bush, Auckland</td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 May 2019
**Iwi comments**  
No iwi issues. The application was considered in accordance with the RMA.

**Status**  
The Court has asked parties to confirm a list of issues unresolved between the parties, witnesses, timetabling and whether they agree to Court assisted mediation by 30 November 2018. The applicant was declined in regard to adverse neighbourhood character and residential amenity effects arising from the traffic access arrangements. Proceeded to mediation on 15 February 2019. Discussion primarily around traffic matters and alternatives. No settlement reached. **Caucusing and evidence exchange to occur during April to June.**

### PAPAKURA – Local Board Area (1 Appeal)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Wallace Group Limited, BJ Wallace Trust and SJ Wallace Trust</th>
<th>Received</th>
<th>14 March 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2019-AKL 000043</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council – LUC60311805, D60303201, D80303159</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site address</td>
<td>3 Popes Road, Takanini</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant</td>
<td>Alpha Dairy Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other parties</td>
<td>Spark NZ Ltd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>An appeal against a decision to grant consents for the construction, operation and maintenance of a new dairy processing facility for the production of infant formula on a Business- Light Industry Zone site with an area of 22,372m². The consent was publicly notified, with 4 submissions in opposition received.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iwi comments</td>
<td>No iwi group indicated a need for a cultural impact assessment and no submissions were received from iwi. The commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status</td>
<td><strong>Mediation set down for 28 May.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### FRANKLIN – Local Board Area (4 Appeals)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Jacks Ridge Limited</th>
<th>Received</th>
<th>24 April 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2019-AKL 0000**</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>LUC6032216</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site address</td>
<td>76 Kimptons Road, Brookby</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant</td>
<td>Jacks Ridge Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other parties</td>
<td>Non-notified application.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>An appeal against a decision on an application to refuse consent to construct four commercial storage buildings. The consent proceeded without notification being found that the environmental effects are not more than minor however then refused as being contrary to the objectives and policies for the Rural - Mixed Rural Zone. The decision expresses concerns as to the nature, purpose and scale of the non-residential activity and being not associated with rural production.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iwi comments</td>
<td>No iwi group indicated a need for a cultural impact assessment. The commissioner considered the application in accordance with the requirements of the RMA 1991 and Part 2 of the RMA.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status</td>
<td>Recently lodged and likely to proceed to mediation in the coming month.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Item 11

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Clevedon North Limited</th>
<th>Received</th>
<th>22 February 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2019-AKL 000029</td>
<td>Council – (BUN6030309) LUC60303381, SUB60303384, DIS60303387</td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>52 North Road, Clevedon</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Clevedon North Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>Numerous 274 parties have joined.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>An appeal against a decision on an application for subdivision and land use consents to subdivide a 9.04ha site into 68 residential lots. Associated earthworks, new roading and infrastructure. The consent was publically notified, with 43 submissions in opposition received.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>No iwi group indicated a need for a cultural impact assessment and no submissions were received from iwi. The commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Still within the s274 period and mediation likely to follow. <em>The appeal has been set down for mediation on 30 May 2019.</em></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Signature Building Ltd</th>
<th>Received</th>
<th>22 January 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2019-AKL 000009</td>
<td>Council – LUC60313362</td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>17A Bell Road, Beachlands</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Signature Building Ltd</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>Beachlands Neighbourhood Voice Inc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal by the applicant against the Council decision to decline consent to establish a childcare facility for 105 children and 17 staff. The consent was publicly notified, with 83 submissions received (82 in opposition)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>No iwi group indicated a need for a cultural impact assessment and no submissions were received from iwi. The commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>New appeal. Still within the s274 period. Mediation held 29 March. No agreement reached at mediation however parties have agreed to attend further mediation in May. <em>Further mediation set down for 15 May 2019.</em></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Ahuareka Trustees (No. 2) Ltd</th>
<th>Received</th>
<th>19 November 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2015-AKL-000147</td>
<td>Council – 42081</td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>650-680 Whitford Maraetai Road, Whitford</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>Whitford Residents and Ratepayers Association</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal against Council’s decision to refuse consent to establish a hamlet of 186 households and ancillary buildings, a country pub and restaurant, retail and commercial units and carpark in the Whitford Rural B zone.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>No iwi submissions</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Appeal reported to the Committee in December 2015. Mediation held 11 February 2016. Appeal reported to the Regulatory Committee on 1 December</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Region-wide Appeals Register – 9 May 2019*
<table>
<thead>
<tr>
<th>Item 11</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016. Evidence exchange occurred in February/March 2017. Judicial teleconference held 30 March. Court hearing proceeded within the week 3 July 2017, with the applicants reply to be filed in writing. Decision of the Court received 15 December 2017 – appeal declined. Significant policy-based decision supporting provisions of AUP (OP). Court costs being sought, otherwise appeal matters complete. The Environment Court decision since appealed by the appellant to the High Court on 26 January 2018. A case management conference is scheduled for 6 March. Council filed its submissions on 31 August and a hearing has been set for 9 October 2018. The appellant’s lawyer requested a deferral for health reasons, which was agreed to. The hearing will now not be held until early 2019. <strong>Hearing date confirmed for 9 May 2019.</strong></td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 May 2019
Resource Consent Appeals: Status Report 9 May 2018

File No.:

Purpose
1. To provide an update of all current resource consent appeals lodged with the Environment Court.

Executive summary
2. This report provides a summary of current resource consent appeals to which the Auckland Council is a party. It updates our report of 2 April 2019 to the Regulatory Committee.

3. If committee members have detailed questions concerning specific appeals, it would be helpful if they could raise them prior to the meeting with Robert Andrews (phone: 353-9254) or email: robert.andrews@aucklandcouncil.govt.nz in the first instance.

Recommendation/s
That the Regulatory Committee:


Comments
4. As at 2 May 2019, there are 24 resource consent appeals to which Auckland Council is a party. These are grouped by Local Board Area geographically from north to south as set out in Attachment A. Changes since the last report and new appeals received are shown in bold italic text.

5. The principal specialist planners - resource consents, continue to resolve these appeals expeditiously. In the period since preparing the previous status report, there has been one new appeal.

6. The new appeal by Jacks Ridge Limited is against a decision to refuse consent to construct four commercial storage buildings at 76 Kimptons Road, Brooklyn. The application proceeded without notification, being found that the environmental effects are not more than minor however the application then being refused as contrary to the objectives and policies for the Rural - Mixed Rural Zone. The decision expresses concerns as to the nature, purpose and scale of the non-residential activity and that it is not associated with rural production.

Local board views and implications
7. Not applicable.

Māori impact statement
8. The decision requested of the Regulatory Committee is to receive this progress report rather than to decide each appeal.

9. The Resource Management Act 1991 includes a number of matters under Part 2, which relate to the relationship of Tangata Whenua to the management of air, land and water resources. Māori values associated with the land, air and freshwater bodies of the Auckland Region are based on whakapapa and stem from the long social, economic and cultural associations and experiences with such taonga.
Implementation

10. Environment Court appeal hearings can generate significant costs in terms of commissioning legal counsel and expert witnesses and informal mediation and negotiation processes seek to limit these costs. Although it can have budget implications, it is important that Auckland Council, when necessary, ensure that resource consents maintain appropriate environmental outcomes and remain consistent with the statutory plan policy framework through the appeal process.

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Current Resource Consent Appeals as at 2 May 2019</td>
<td></td>
</tr>
</tbody>
</table>

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Robert Andrews – Principal Specialist Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Ian Smallburn - General Manager Resource Consents</td>
</tr>
<tr>
<td></td>
<td>James Hassall – Acting Director Regulatory Services</td>
</tr>
<tr>
<td>Area of work</td>
<td>Reason for work</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Alcohol Licensing</td>
<td>Report on the revenue received and the costs incurred for the alcohol licensing process – required by regulation 19 of the Sale and Supply of Alcohol (Fees) Regulations 2013.</td>
</tr>
<tr>
<td>Animal Management</td>
<td>Report on Animal Management activities for the year ending June 2018 as required by s10a of the Dog Control Act 1996</td>
</tr>
<tr>
<td>Earthquake Prone, Dangerous &amp; Insanitary Buildings Policy 2011-2016 Review</td>
<td>2011 – Auckland Council was required under s131 of the Building Act 2004 to adopt a policy on earthquake prone, dangerous and insanitary buildings 2018 – Due to the Building (Earthquake-Prone Buildings) Amendment Act 2016, Auckland Council’s management of earthquake-prone buildings now falls under the national policy and methodology set by MBIE. Our ongoing work programme for issuing statutory EPB notices, receiving seismic assessments, and identifying residual potential EPBs is being carried out on this basis. Note that dangerous and insanitary buildings continue to have their own local policy that is now under the management of Regulatory Compliance.</td>
</tr>
</tbody>
</table>

**Expected timeframes**

<table>
<thead>
<tr>
<th>Highlight financial year quarter and state month if known</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY19</td>
</tr>
<tr>
<td>4 Oct 8 Nov</td>
</tr>
</tbody>
</table>
### Item 11

<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Regulatory Committee role (decision or direction)</th>
<th>Budget/ Funding</th>
</tr>
</thead>
</table>
| Freedom camping | Explore the need for and options for regulating freedom camping in Auckland | • Receive options report following the completion of the research and pilot. (July 2017)  
• If a regulatory response is required then the committee will:  
  o Recommend statement of proposal to Governing Body.  
  o Establish the hearings panel for deliberations on submissions.  
  o Recommend final draft of bylaw to governing body for adoption.  
• An overview programme was presented on 10/08/2017 Item 9 REG/2017/72 resolution SCP process  
  9 August 2018 report to provide a presentation updating the development of a bylaw under the Freedom Camping Act 2011 – minute REG/2018/58  
  13 September 2018 - report to seek direction on the content of the statement of proposal for the management of freedom camping– minute REG/2018/64 | Review is within current baselines.  
Funding proposals will be required for any recommendations that require capital or operational upgrades. | Q2 (NOV) |

<table>
<thead>
<tr>
<th>Expected timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highlight financial year quarter and state month if known</td>
</tr>
<tr>
<td>FY19 FY19 FY19 FY20</td>
</tr>
</tbody>
</table>

**Key milestones**
- Nov 2018 - Proposal
- Late Nov 2018 – mid Feb 2019 - Public consultation
- April 2019 - Public deliberations
- May 2019 – Panel’s recommendation to Governing Body

**Progress to date**
- 8 November 2018 - report To recommend that the Governing Body adopt the freedom camping in vehicles statement of proposal and draft bylaw for public engagement and appoint a panel to consider feedback, deliberate and make recommendations – minute REG/2018/77
<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Regulatory Committee role (decision or direction)</th>
<th>Budget/ Funding</th>
<th>Expected timeframes Highlight financial year quarter and state month if known</th>
</tr>
</thead>
</table>
| Public Safety and Nuisance Bylaw review | Legislative requirement to review bylaw within 5 years. Committee resolution to “commence the review of the Public Safety and Nuisance Bylaw 2013 at an early date”. | • Receive report following the completion of the bylaw review. (Dec ’17 – Feb ‘18)  
• Recommend statement of proposal to Governing Body. (Q2 or Q3 – FY18)  
• Establish the hearings panel for deliberations on submissions. (Q2 or Q3 – FY18)  
• Recommend final draft of bylaw to governing body for adoption. (Q4 – FY18)  
• Report was considered on 12 Oct. the item was deferred REG2017/94  
• 8 Feb 2018 - workshop - seeking preference’s to which clauses of the bylaw should be retained, amended or revoked. - seeking agreement in principle to draft recommendations against 6 key topics, will also highlight next steps, timing and process requirements for completion of the PSN review.  
• 8 March 2018 - A report on the outcome of statutory review and the direction of any changes to six issues was considered – minute REG/2018/15  
• 12 April 2018 - A report on the outcome of statutory review and the direction of any changes to nine issues was considered – minute REG/2018/20  
• 10 May 2018 - A report on the review and direct any changes to eight issues within the bylaw was considered - minute REG/2018/36  
• 14 June 2018 - A report to determine the outcome of the statutory review and direct any changes to 22 issues was considered on - minute REG/2018/43 | Within current baselines. | FY19 | FY19 | FY19 | FY20 |
<p>|                                 |                                                                                   | Oct – Dec 14 Feb 14 March 11 April 13 June | Q2 | Q3 | Q4 | Q1 |</p>
<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Regulatory Committee role (decision or direction)</th>
<th>Budget/ Funding</th>
<th>Expected timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog management Bylaw and Policy on Dogs.</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 August 2018 - workshop to discuss outstanding concerns members have on rural fences, ashes, mana whenua beach access, set-netting criteria and obstructions</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Progress to date: 13 September 2018 a report to recommend that the Governing Body adopt the public safety and nuisance bylaw statement of proposal for public consultation and appoint a panel to deliberate and make recommendations on feedback received – minute REG/2018/64</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>14 June 2018 - A report to endorse the findings of the Auckland Council Policy on Dogs 2012 and Dog Management Bylaw 2012 statutory review and approve a report back on options that respond to the findings - minute REG/2018/44</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **Receive** report following the completion of the bylaw review. (November 2017)
- **Recommend** statement of proposal to Governing Body.
- **Establish** the hearings panel for deliberations on submissions.
- **Recommend** final draft of bylaw to governing body for adoption.
- **Workshop** held April 2018 – to seek informal guidance on a few potentially contentious issues related to dog management.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Apr – Jun</td>
<td>June</td>
<td>July</td>
<td>August</td>
</tr>
<tr>
<td>Oct – Nov</td>
<td>Aug – Sept</td>
<td>Nov</td>
<td>Dec</td>
</tr>
<tr>
<td>4 Oct</td>
<td>14 Feb</td>
<td>9 May</td>
<td>8 Aug</td>
</tr>
<tr>
<td>8 Nov</td>
<td>14 March</td>
<td>13 June</td>
<td>12 Sept</td>
</tr>
<tr>
<td>Area of work</td>
<td>Reason for work</td>
<td>Regulatory Committee role (decision or direction)</td>
<td>Budget/ Funding</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------</td>
<td>--------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Health and Hygiene Bylaw</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Progress to date:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>14 February 2019</td>
<td>Options Report - to seek a determination on the outcome of the statutory review on the Auckland Council Health and Hygiene Bylaw 2013 and make a decision about its future - minute REG/2018/36</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 July 2018</td>
<td>To recommend the Governing Body adopt the Health and Hygiene Bylaw 2013 (Bylaw) statement of proposal for public consultation and make a decision to appoint a panel to deliberate and make recommendations on feedback received – minute REG/2018/51</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26 July 2018</td>
<td>A report went to Governing Body - to receive the recommendations from the Regulatory Committee and adopt the Health and Hygiene Bylaw 2013 Statement of Proposal – minute REG/2018/120</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Public notification is required for bylaw reviews even if no change to the bylaw is recommended.*
<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Regulatory Committee role (decision or direction)</th>
<th>Budget/ Funding</th>
<th>Expected timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Highlight financial year quarter and state month if known</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>FY19</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Oct – Dec</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4 Oct</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8 Nov</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Next steps:
- Public consultation - scheduled for 26 August to 1 October 2018
- make recommendations to Governing Body on public feedback to the statement of proposal

**Solid Waste Bylaw review**

Legislative requirement to review the bylaw and policy after five years.

**Key milestones:**
- Sept-Dec 2018 - research and engagement
- Feb 2019 – findings report to Regulatory Committee
- March 2019 – options report to Regulatory Committee
- April 2019 – proposed bylaw
- June 2019 – public feedback
- July 2019 – panel deliberation
- By August 2019 – Governing Body to adopt bylaw

- **Decision** on timing and scope of the review. (December 2017)
- Reporting on findings and any options amendments will not be until late 2018.

**Progress to date:**
- 14 February 2019 - a report to endorse the findings of the Solid Waste Bylaw 2012 review and request a report on options that responds to the findings. Minute REG/2019/7
- 14 March 2019 – a report to request a statement of proposal that makes a new bylaw. Minute REG/2019/12
- 14 March 2019 – a report to determine outcome of review and decide whether to make changes. Minutes REG/2019/12

**Legacy on-site wastewater bylaw review**

To complete a review of four legacy on-site wastewater bylaws (legacy bylaws) in Rodney, North Shore, Waiheke and Papakura

- **10 May 2018** - report to endorse the findings of the legacy on-site wastewater bylaws review and begin the process to revoke the four legacy on-site wastewater bylaws - minute. REG/2018/37
- **12 July 2018** - report To recommend the Governing Body adopt the legacy on-site wastewater bylaws statement of proposal for public consultation and make a decision to appoint a panel to deliberate and make recommendations on feedback received – minute REG/2018/52
<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Regulatory Committee role (decision or direction)</th>
<th>Budget/ Funding</th>
<th>Expected timeframes</th>
<th>Highlight financial year quarter and state month if known</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding Houses Inspection</td>
<td>Update on the Auckland proactive boarding houses inspections programme. Increase inspections from one to a minimum of three per year.</td>
<td>For information</td>
<td></td>
<td>FY19 FY19 FY19 FY20</td>
<td>Q2 Q3 Q4 Q1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Progress to date:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>26 July 2018 <a href="#">report</a> went to Governing Body - to receive the recommendations from the Regulatory Committee and adopt the Legacy On-site Wastewater Bylaws Statement of Proposal – minute - <a href="#">GB/2018/121</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Next steps:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Public consultation scheduled for 1 August to 31 August 2018</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• make recommendations to Governing Body on public feedback to the statement of proposal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resource Consents</td>
<td>To provide oversight of the appeals received to resource consent decisions.</td>
<td>Information purposes</td>
<td>N/A</td>
<td>Q2 Q3 Q4 Q1</td>
<td></td>
</tr>
<tr>
<td>Appeal Update</td>
<td></td>
<td>Monthly updates - Memo</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Regulatory</td>
<td>Reporting on and monitoring of commissioner appointments</td>
<td>Information purposes</td>
<td>Q2 Q3 Q4 Q1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee Policy</td>
<td></td>
<td>Memo quarterly</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Regulatory</td>
<td>Annual review of commissioner pool</td>
<td>Decision: review RMA commissioner pool</td>
<td>Q2 Q3 Q4 Q1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee Policy</td>
<td></td>
<td>Memo Quarterly</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area of work</td>
<td>Reason for work</td>
<td>Regulatory Committee role (decision or direction)</td>
<td>Budget/ Funding</td>
<td>Expected timeframes Highlight financial year quarter and state month if known</td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>-----------------</td>
<td>--------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>The Regulatory Services Directorate</td>
<td>Report on: • progress implementing the Food Act 2014 • insights into the performance, opportunities and risk of the Resources Consents Dept • progress implementing the Regulatory Compliance programme • update of Building control activity</td>
<td>For information only: 6 monthly update</td>
<td>Q2</td>
<td>Q2 Q3 (Mar) Q4 Q1</td>
<td></td>
</tr>
<tr>
<td>Alcohol Control Bylaw review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td></td>
<td>Q2</td>
<td>Q2 Q3 Q4 Q1</td>
<td></td>
</tr>
</tbody>
</table>
| Trade Waste Bylaw 2013 – Statement of Proposal | Approve statement of proposal Progress to date: 14 March 2019 report to recommend to Governing Body to adopt statement of proposal – minute REG/2019/11 |                                                  | Q4              | Q4

**Notes:**
- Fy19 = Financial Year 2019
- Fy20 = Financial Year 2020
- Q1 = Quarter 1
- Q2 = Quarter 2
- Q3 = Quarter 3
- Q4 = Quarter 4