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

**Date:** Monday, 17 August 2020  
**Time:** 4.00pm  
**Meeting Room:** Via Skype  
**Venue:**

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**Kōmiti o te Papa Rēhia o Pukekawa / Auckland Domain Committee**

**OPEN AGENDA**

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**MEMBERSHIP**

<table>
<thead>
<tr>
<th>Chairperson</th>
<th>Cr Desley Simpson, JP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Chairperson</td>
<td>Adriana Avendano Christie</td>
</tr>
<tr>
<td>Members</td>
<td>Waitematā Local Board</td>
</tr>
<tr>
<td></td>
<td>Member Renata Blair</td>
</tr>
<tr>
<td></td>
<td>Member Alexandra Bonham</td>
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<tr>
<td></td>
<td>Cr Pippa Coom</td>
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<td></td>
<td>Member Hon Tau Henare</td>
</tr>
<tr>
<td></td>
<td>Cr Sharon Stewart, QSM</td>
</tr>
<tr>
<td></td>
<td>Member Sarah Trotman, (ONZM)</td>
</tr>
</tbody>
</table>

(Quorum 4 members)

---

Sonja Tomovska  
Governance Advisor  
10 August 2020  

Contact Telephone: 09 8908022  
Email: Sonja.Tomovska@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

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**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

Background

The Auckland Domain is an important regional park and also has areas within it managed by the Waitematā Local Board. This committee is set up jointly by the Governing Body and Waitematā Local Board to co-ordinate decisions relating to the Domain.

Responsibilities

Decision-making responsibility for parks, recreation and community services and activities in Auckland Domain including those anticipated in the Auckland Domain Act 1987, which are the responsibility of the Governing Body or the Waitematā Local Board.

Powers

All powers of the Governing Body and Waitematā Local Board necessary to perform the committee’s responsibilities including those powers conferred on Auckland Council pursuant to the Auckland Domain Act 1987.

Except:

(a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
(b) where a matter is the responsibility of another committee or local board
(c) the approval of expenditure that is not contained within approved budgets
(d) the approval of expenditure of more than $2 million
(e) the approval of final policy
(f) deciding significant matters for which there is high public interest, and which are controversial.
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>7</td>
</tr>
<tr>
<td>2</td>
<td>Declaration of Interest</td>
<td>7</td>
</tr>
<tr>
<td>3</td>
<td>Confirmation of Minutes</td>
<td>7</td>
</tr>
<tr>
<td>4</td>
<td>Petitions</td>
<td>7</td>
</tr>
<tr>
<td>5</td>
<td>Public Input</td>
<td>7</td>
</tr>
<tr>
<td>5.1</td>
<td>Summerset Plans for Parnell Retirement Village</td>
<td>7</td>
</tr>
<tr>
<td>5.2</td>
<td>Auckland Holocaust Memorial Trust - Garden of Humanity</td>
<td>8</td>
</tr>
<tr>
<td>5.3</td>
<td>National Butterfly Centre / Te Matauranga o nga Purerehua o Aotearoa</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>Local Board Input</td>
<td>8</td>
</tr>
<tr>
<td>7</td>
<td>Extraordinary Business</td>
<td>9</td>
</tr>
<tr>
<td>8</td>
<td>Statement of proposal to amend the Alcohol Control Bylaw</td>
<td>11</td>
</tr>
<tr>
<td>9</td>
<td>Ecological Volunteering in the Domain</td>
<td>69</td>
</tr>
<tr>
<td>10</td>
<td>Financial Update and Auckland Domain Work Programme</td>
<td>73</td>
</tr>
<tr>
<td>11</td>
<td>Consideration of Extraordinary Items</td>
<td></td>
</tr>
</tbody>
</table>
1 Apologies

At the close of the agenda no apologies had 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 Auckland Domain Committee:

a) confirm the ordinary minutes of its meeting, held on Monday, 25 February 2020 and the extraordinary minutes of its meeting, held on Monday, 22 June 2020, 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.

5.1 Summerset Plans for Parnell Retirement Village

Te take mō te pūrongo

Purpose of the report

1. Adam Tyrie will speak to the committee to share plans on a proposed retirement village in Parnell.

Ngā tūtohunga

Recommendation/s

That the Auckland Domain Committee:

a) receive and thank the public input from Adam Tyrie of Summerset regarding the plans for a proposed retirement village in Parnell.
5.2 Auckland Holocaust Memorial Trust - Garden of Humanity

Te take mō te pūrongo
Purpose of the report
1. Nadine Rubin Nathan and Sheree Stone will present the Garden of Humanity project, on behalf of the Auckland Holocaust Memorial Trust.

Ngā tūtohunga
Recommendation/s
That the Auckland Domain Committee:

a) receive the public input from the Auckland Holocaust Memorial Trust and thank Nadine Rubin Nathan and Sheree Stone for their attendance.

5.3 National Butterfly Centre / Te Matauranga o nga Purerehua o Aotearoa

Te take mō te pūrongo
Purpose of the report
1. Jacqui Knight and Mark Bateman will be in attendance to present to the Auckland Domain Committee about the Monarch Butterfly New Zealand Trust's plans for establishing the National Butterfly Centre / Te Matauranga o nga Purerehua o Aotearoa at Kari Street.

Ngā tūtohunga
Recommendation/s
That the Auckland Domain Committee:

a) receive the presentation from the Monarch Butterfly New Zealand Trust and thank Jacqui Knight and Mark Bateman for their attendance.

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.”
Statement of proposal to amend the Alcohol Control Bylaw

File No.: CP2020/09250

Te take mō te pūrongo

Purpose of the report

1. To seek support on the statement of proposal to amend the Te Ture a Rohe Whakararata Waipiro 2014 / Alcohol Control Bylaw 2014 before it is finalised for public consultation.

Whakarāpopototanga matua

Executive summary

2. To enable the Auckland Domain Committee to provide its views on the statement of proposal to amend the Te Ture a Rohe Whakararata Waipiro 2014 / Alcohol Control Bylaw 2014, staff have prepared a draft proposal.

3. The draft proposal would continue to enable council to make alcohol bans in certain public places to reduce crime and disorder caused or made worse by alcohol consumed there.

4. The main proposals are to include new temporary alcohol bans for major events at Mount Smart Stadium, Western Springs Stadium, Eden Park and Auckland Domain, and to make the Bylaw easier to read and understand.

5. Staff recommend that the committee provide its views on the draft proposal.

6. There is a reputational risk that the draft proposal or the committee’s views do not reflect the views of people who use the Auckland Domain. This risk would be partly mitigated by future public consultation processes. The committee will have an opportunity to consider any public feedback and provide formal views to a Bylaw Panel prior to the final decision.

7. The committee’s views will be provided to the Regulatory Committee on 1 September 2020 who will recommend a statement of proposal for public consultation to the 24 September Governing Body meeting. Public consultation is scheduled for October 2020, Bylaw Panel deliberations for March 2021, and a final decision by the Governing Body for April 2021.

Ngā tūtohunga

Recommendation/s

That the Auckland Domain Committee:

a) support the draft statement of proposal in Attachment A of this agenda report to amend the Auckland Council Alcohol Control Bylaw 2014 for public consultation.

Horopaki

Context

The Alcohol Control Bylaw enables council to make alcohol bans in public places

8. The Te Kaunihera o Tāmaki Makaurau 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.

9. The Bylaw achieves this by providing a framework that enables alcohol bans to be made by resolution of the relevant delegated authorities – the Regulatory Committee, Auckland Domain Committee or local boards. Alcohol bans are enforced by the New Zealand Police.
The Regulatory Committee have decided to amend the Alcohol Control Bylaw

10. The Regulatory Committee requested staff commence the process to amend the Bylaw on 9 May 2019 (REG/2019/28). The process leading to this decision is summarised below.

11 April 2019 (REG/2019/19) Regulatory Committee endorsed the statutory bylaw 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 under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990
- the current Bylaw structure and wording could be improved.

9 May 2019 (REG/2019/28) Regulatory Committee instructed staff to draft an amended Bylaw (Option two) after considering four options:
- 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 prepared a proposal in line with decisions of the Regulatory Committee

11. Staff have prepared a draft statement of proposal (draft proposal) to implement the decision of the Regulatory Committee to amend the Bylaw (Attachment A).

12. The draft proposal includes the reasons and decisions leading to the proposed amendments and a comparison between the existing and amended bylaws.

The committee has an opportunity to provide its views on the proposal

13. The Auckland Domain Committee (committee) now has an opportunity to provide its views on the draft proposal in Attachment A by resolution to the Regulatory Committee before it is finalised for public consultation.

14. For example, the committee could support the draft proposal for public consultation, recommend changes before it is finalised, or defer comment until after it has considered public feedback on the proposal.

Tātaritanga me ngā tohutohu

Analysis and advice

The draft proposal makes improvements to the current alcohol control bylaw

15. The draft proposal seeks to improve the use of alcohol bans for major events\(^1\) and make the Bylaw easier to read and understand. The table below summarises the proposed changes.

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\(^1\) Council’s Events Policy refers to major events as events having a regional, national and international profile.
Summary of proposed changes to the Alcohol Control Bylaw 2014

<table>
<thead>
<tr>
<th>Proposals</th>
<th>Reasons for proposals</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Make new event-based temporary alcohol bans for all major events at Mount Smart Stadium, Western Springs Stadium, Eden Park and Auckland Domain in the Bylaw.</td>
<td>Including new event-based temporary alcohol bans made in the Bylaw:</td>
</tr>
<tr>
<td>• The new event-based temporary alcohol bans will replace existing event-based temporary alcohol bans made by resolution2 for Mount Smart Stadium, Eden Park and Auckland Domain for ‘Christmas in the Park’ and the Lantern Festival. Changes to these existing resolutions would:</td>
<td>• more easily enables a preventative approach to alcohol-related crime or disorder at or near event venues used for major events</td>
</tr>
<tr>
<td>o for Mount Smart Stadium extend the ban to apply to all major events, not just concerts</td>
<td>• removes time and cost to process individual requests for event-based temporary alcohol bans where:</td>
</tr>
<tr>
<td>o for Eden Park extend the ban to include Eden Park stadium, and two fan trails if they are activated as part of the event3</td>
<td>o the event venue has in the past, is currently, and will in the future be used for major events</td>
</tr>
<tr>
<td>o for Auckland Domain extend the ban to all major events (not just the Lantern Festival) and extend the times of the ban to start one hour earlier and finish one hour later. The ban for the Auckland Domain ‘Christmas in the Park’ event would remain unchanged.</td>
<td>o a ban has been used in the past for major events at the event venue.</td>
</tr>
<tr>
<td>• Replace with a related information note clauses about alcohol ban signage, and clauses about legislative decision-making criteria.</td>
<td>• creates more consistent event-based temporary alcohol ban times and application.</td>
</tr>
<tr>
<td>• Clarify exceptions to alcohol bans for licensed premises and the transport of alcohol, council’s ability to make temporary alcohol bans and Bylaw wording.</td>
<td>Replacing some clauses with related information notes and providing clarifications:</td>
</tr>
<tr>
<td></td>
<td>• removes provisions that are unnecessary to state in the Bylaw but are useful as extra information</td>
</tr>
<tr>
<td></td>
<td>• provides rules that are easier to read and understand.</td>
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</table>

The draft proposal complies with statutory requirements

16. The draft proposal has been prepared in accordance with statutory requirements and best practice drafting guidelines:

• The proposed inclusion of event-based temporary alcohol bans for major events at certain venues in the Bylaw is a reasonable limitation on people’s rights and freedoms because the bans only apply temporarily to a limited area for large scale events.

• The amended Bylaw is a more appropriate form of bylaw because the inclusion of event-based temporary alcohol bans for major events at certain venues enables a preventative approach to alcohol-related crime or disorder.4 The amended Bylaw would also be easier to read and understand.

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2 MT/2017/144 (Mt Smart); AE/2015/119 (Eden Park); RBC/2015/41 and WTM/2016/110 (Christmas in the Park); ADC/2017/43 (Lantern Festival).

3 There are two Eden Park Fan Trails designed for fans to walk to Eden Park. One starts at Ponsonby Road (activated on ‘match days’) and one starts from Queen Elizabeth Square (last used during the 2011 Rugby World Cup).

4 Section 147A of the Local Government Act 2002.
The amended Bylaw has no implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990 (the Act). There are potential limitations to freedoms protected by the Act of expression, peaceful assembly, movement, security against unreasonable search and seizure, and to not be arbitrarily arrested. These limitations are justified because alcohol bans help prevent harm to the public, and because council’s ability to make alcohol bans is subject to legislative criteria which ensures any ban is justified, appropriate and proportionate.

Staff recommend the committee consider providing its views on the proposal
17. Staff recommend that the committee consider the draft proposal and whether it wishes to provide its views to the Regulatory Committee.

Climate impact statement
18. There are no implications for climate change arising from this decision.

Council group impacts and views
19. The draft proposal impacts the operation of units across the council group involved in events, processing alcohol ban requests and alcohol ban signage. Those units are aware of the impacts of the proposal and their implementation role.

Local impacts and local board views
20. The Bylaw is important to local boards as they have the delegated authority to make local alcohol bans, and because alcohol bans help to improve public safety in their local areas.
21. The main view of local board members during the bylaw review was to retain local board decision-making authority for local alcohol bans. The proposal supports this by retaining the current decision-making authority. The process for the local board to make alcohol bans by resolution will remain the same.

Māori impact statement
22. The Bylaw has significance for Māori as users and kaitiaki / guardians of public space. Māori are also over-represented in alcohol-related hospital visits, the criminal justice system and as victims of crime.
23. 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.
24. The draft proposal supports this view by retaining the ability for council to use alcohol bans.

Financial implications
25. There are no financial implications to the committee for any decision to support the draft proposal for public consultation. The Governing Body at a later date will consider any financial implications associated with public notification and signage.

Risks and mitigations
26. There is a reputational risk that the draft proposal or the committee’s views do not reflect the views of people who use the Auckland Domain. This risk would be partly mitigated by future
public consultation processes. The committee will have an opportunity to consider any public feedback and provide its formal views to a Bylaw Panel prior to the final decision.

Ngā koringa ā-muri

Next steps

27. Staff will present a proposal and any committee views to the Regulatory Committee on 1 September 2020. The next steps are shown in the diagram below.

Ngā tāpirihanga

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Statement of proposal to amend the Alcohol Control Bylaw</td>
<td>17</td>
</tr>
</tbody>
</table>

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Elizabeth Osborne - Policy Analyst</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Paul Wilson - Team Leader Bylaws</td>
</tr>
<tr>
<td></td>
<td>Martin van Jaarsveld - Manager Community Parks &amp; Places</td>
</tr>
</tbody>
</table>
Helping to protect the public

Reducing alcohol-related crime and disorder

Enabling alcohol bans to be made that prohibit alcohol in certain public places where crime or disorder is caused or made worse by alcohol consumed there

Statement of Proposal to amend the Auckland Council Alcohol Control Bylaw 2014. Public consultation takes place from [date] to [date].
1 Have your say

Helping to protect the public

Aucklanders drink alcohol in public places every day, for example at a family picnic, licensed venue or concert. Most people drink responsibly and without having any negative impact on others.

Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly. This can negatively affect nearby residents’ sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.

How Auckland Council keeps you safe

We use a bylaw to enable us to make alcohol bans that prohibit alcohol in certain public places (for example a park).

The current ability to make alcohol bans is included in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Whakarārata Waipiro 2014 / Auckland Council Alcohol Control Bylaw 2014.

Improving how we make alcohol bans

We recently checked how the rules are working and identified improvements.

We propose changes to the Bylaw that would:

- make new event-based temporary alcohol bans for major events at Mount Smart Stadium, Western Springs Stadium, Eden Park and the Auckland Domain in the Bylaw
- use related information notes to replace clauses about alcohol ban signage and to replace clauses that duplicate legislative decision-making criteria
- clarify exceptions to alcohol bans for licensed premises and the transport of alcohol, and to clarify council’s ability to make temporary alcohol bans
- make the Bylaw wording easier to read and understand.

Other key aspects of the current Bylaw and its implementation will remain unchanged, for example:

- all local boards, the Auckland Domain Committee and the Regulatory Committee will continue to have delegated authority to make alcohol bans
- no changes to current alcohol bans (except for the event-based temporary alcohol bans above).

We want to know what you think

Starting on [date] through to [date], we want you to tell us what you think about the proposed amendments to the Auckland Council Alcohol Control Bylaw 2014.

Visit www.aucklandcouncil.govt.nz/have-your-say for more information, to give your feedback and to find out where you can drop in to a ‘have your say’ event.
What is the Bylaw

The Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Whakararata Waipiro 2014, Auckland Council Alcohol Control Bylaw 2014, was made on 30 October 2014.

The purpose of the Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there. The Bylaw seeks to achieve this by enabling council to make alcohol bans that prohibit alcohol in those public places (including in a vehicle).

Alcohol Control Bylaw 2014 framework

Requests to delegated decision-makers
- Local boards for local parks, streets and car parks (GB/2014/121).
- Regulatory Committee for areas of regional significance (GB/2014/121).
- Auckland Domain Committee for the Auckland Domain (GB/2016/237).

Alcohol Bans
Alcohol bans adopted by resolution are listed in a register attached to the bylaw.

Legislative Criteria (cannot change)
- Must: Have evidence of high level of crime and disorder caused by drinking alcohol there.
- Be a justifiable limitation on rights and freedoms.
- Be proportionate in light of evidence.

Bylaw Criteria
Consider:
- Views of interested groups
- Māori
- Police
- Standard timeframes
- Alternative responses

Exceptions
- Licensed premises
- Special licenses
- Transporting unopened container to and from residence or licensed premises

Signage
Enables council to adopt requirements for signage in lieu of central government regulations.

Enforcement
Police have powers of arrest, search and seizure under sections 169 and 170 of the Local Government Act 2002.
3 What council proposes to change

Improving how we make alcohol bans

We recently checked how the rules are working and identified improvements.

Council is proposing to better reduce alcohol-related crime and disorder in public places by making amendments to the Alcohol Control Bylaw 2014. The proposed amendments are listed below.

<table>
<thead>
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If you want to know more, Appendix A shows what the proposed amended Alcohol Control Bylaw would look like. Appendix B provides a copy of the existing Alcohol Control Bylaw 2014. Appendix C provides a summary of the differences between the existing and amended bylaw.

1 MT/2017/144 (Mt Smart), AE/2015/119 (Eden Park), RBC/2015/41 and WTM/2016/110 (Christmas in the Park), ADC/2017/43 (Lantern Festival).

2 There are two Eden Park Fan Trails designed for fans to walk to Eden Park. One starts at Ponsonby Road (activated on ‘match days’) and one starts from Queen Elizabeth Square (last used during the 2011 Rugby World Cup).
4 How we implement the Bylaw

Making decisions using evidence

Council uses evidence to decide whether to make, amend or replace an alcohol ban by resolution.

Before making an alcohol ban by resolution, the Local Government Act 2002 requires council to be satisfied that there is evidence of a high level of crime or disorder in the area which has been caused by or made worse by alcohol consumption in that same area.

Evidence can include witness accounts of crime or disorder, photos of litter or damage, and callouts to council noise control and the Police. The Local Government Act 2002 also requires any alcohol ban to be appropriate and proportionate in terms of the nature and scale of the crime or disorder and justifiable as a reasonable limitation on people’s rights and freedoms.

Erecting and maintaining signage

Council erects and maintains alcohol ban signage. Signage informs people of the alcohol ban area and hours. An internal policy guides the form and placement of alcohol ban signage.

Police enforcement of alcohol bans

The New Zealand Police are responsible for enforcing alcohol bans made under the Bylaw.

Anyone can report a breach of an alcohol ban to the Police. Police respond to reports of alcohol ban breaches as soon as possible depending on the nature of the issues and other priorities.

Police may use powers of search, seizure and arrest under the Local Government Act 2002 to enforce alcohol bans. For breaches of alcohol bans, the Police may issue an infringement fee of $250.
5 How we got here

Decisions leading to the proposed changes

The Local Government Act 2002 requires the council to review its bylaws periodically to determine whether they are effective, efficient and still necessary to address the problem. We also check that the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Auckland Council reviewed the existing Bylaw by engaging with stakeholders\(^3\) and undertaking research. Council reported its findings and considered options in response to the findings at meetings in April and May 2019.

This statement of proposal was approved for public consultation by the Governing Body in September 2020. This begins the formal process to make amendments to the Alcohol Control Bylaw 2014.

Bylaw review and approval process

![Diagram showing the timeline and process of bylaw review and approval]

Go to: [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) if you would like to view more information about the above decisions, including the findings from the statutory bylaw review and options we considered to respond to those findings.

---

\(^3\) Council engaged with a range of stakeholders including the Tāpuna Maunga Authority, the New Zealand Police, Alcohol Harm Watch, Health Promotion Agency, Auckland Regional Public Health Service, Te Puni Kōkiri and Māori public health advocates.
We want your input

You have an opportunity to tell us your views.

We would like to know what you think about the proposed amendments to the Alcohol Control Bylaw.

Anyone can give feedback on the proposal, including individuals, organisations and businesses.

Give us your feedback

Starting on \#\# month 2020 through to \#\# month 2020 we are asking for feedback on proposed amendments to the Auckland Council Alcohol Control Bylaw 2014. Anyone can give feedback.

You can give your feedback:

- online at our website www.aucklandcouncil.govt.nz/have-your-say
- in person at one of our ‘Have your say’ events – visit our website for details

Visit www.aucklandcouncil.govt.nz/have-your-say for more information.

Online services are available at our libraries.

Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.
Appendix A: Proposed amended Auckland Council Alcohol Control Bylaw 2020
Te Ture ā-Rohe
Whakararata Waipiro 2014
Alcohol Control Bylaw 2014

(as at dd month 2021)

made by the Governing Body of Auckland Council
in resolution GB/2014/121
on 30 October 2014

Bylaw made under sections 145 and 147 of the Local Government Act 2002.
Summary
This summary is not part of the Bylaw but explains the general effects.
Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly.
This can negatively affect nearby residents’ sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm. The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there, by –
- using alcohol bans to prohibit people from consuming, bringing or possessing alcohol in certain public places at certain times (clause 6)
- setting out how council may make a new alcohol ban by resolution (clauses 7 and 8)
- specifying event-based temporary alcohol bans (Schedule 1)
- referencing the full list of alcohol bans and maps (viewable on council’s website).
Other parts of this Bylaw assist with its administration by –
- stating its name, when it comes into force and where it applies (clauses 1, 2 and 3)
- stating the purpose of this Bylaw and defining key terms (clauses 4 and 5)
- referencing the powers of the New Zealand Police to enforce this Bylaw, including the issue of $250 infringement fines (Part 4)
- ensuring existing resolutions continue to apply and incomplete enforcement action can continue where relevant (Part 5).

Cover page reformatted and Summary inserted in accordance with Clause 2(2).
## Contents

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Title</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Commencement</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Application</td>
<td>4</td>
</tr>
</tbody>
</table>

**Part 1**

**Preliminary provisions**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Purpose</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>Interpretation</td>
<td>4</td>
</tr>
</tbody>
</table>

**Part 2**

**Alcohol consumption and possession in public places**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Alcohol prohibited in public places where an alcohol ban applies</td>
<td>6</td>
</tr>
</tbody>
</table>

**Part 3**

**Controls**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Council may make an alcohol ban</td>
<td>7</td>
</tr>
<tr>
<td>8</td>
<td>Procedure for making an alcohol ban</td>
<td>7</td>
</tr>
</tbody>
</table>

**Part 4**

**Enforcement powers, offences and penalties**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Police can use statutory powers and other methods to enforce this Bylaw</td>
<td>8</td>
</tr>
<tr>
<td>10</td>
<td>A person can be penalised for not complying with this Bylaw</td>
<td>8</td>
</tr>
</tbody>
</table>

**Part 5**

**Savings and transitional provisions**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Existing resolutions continue to apply</td>
<td>9</td>
</tr>
<tr>
<td>12</td>
<td>Existing inquiries to be completed under this Bylaw</td>
<td>9</td>
</tr>
</tbody>
</table>

**Schedules**

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Event-Based Temporary Alcohol Bans</td>
<td>10</td>
</tr>
</tbody>
</table>
Attachment A

Item 8

1 Title

(1) This Bylaw is the Te Ture ā-Rohe Whakararata Waipiro 2014, Alcohol Control Bylaw 2014.

Clause 1 amended in accordance with Clause 2(2).

2 Commencement

(1) This Bylaw comes into force on 18 December 2014.

(2) Amendments to this Bylaw by resolution GB/###/### come into force on 01 June 2021.

Related information about amendments

Council decided on dd month year to make various amendments to the Bylaw. The majority of the amendments were to make the Bylaw easier to read and understand. Key changes included:

- making new event-based temporary alcohol bans in Schedule 1
- using related information notes to replace clauses about alcohol ban signage and to replace clauses that duplicate legislative decision-making criteria
- clarifying exceptions to alcohol bans for licensed premises and the transport of alcohol, and clarifying council’s ability to make temporary alcohol bans.

A comparison of the Bylaw before and after the amendments were made can be viewed in Item # of the Auckland Council Governing Body meeting agenda dated dd month year.

Clause 2 amended in accordance with Clause 2(2).

3 Application

(1) This Bylaw applies to Auckland.

Part 1

Preliminary provisions

4 Purpose

(1) The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there.

Clause 4 amended in accordance with Clause 2(2).

5 Interpretation

(1) In this Bylaw, unless the context otherwise requires, –

Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Auckland has the meaning given by section 4(1) of the Local Government (Auckland Council) Act 2009.
Related information
The Local Government Act 2009 enabled the Local Government Commission to determine Auckland’s boundaries in a map titled LGC-AK-R1. The boundaries were formally adopted by Order in Council on 15 March 2010, and came into effect on 1 November 2010.

Christmas / New Year holiday period means Christmas Eve (the day before Christmas Day) to the day after New Year’s Day as determined by the Holidays Act 2003.

Council means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.

Related information about who can make an alcohol ban
Council has delegated the making of alcohol bans by resolution under clause 7 to –
- local boards for local parks, streets and carparks as at 30 October 2014 (GB/2014/121)
- the Regulatory Committee for areas of regional significance as at 30 October 2014 (GB/2014/121)
- the Auckland Domain Committee for the Auckland Domain as at 1 November 2016 (GB/2016/237).

The Governing Body of Auckland Council is responsible for making alcohol bans in all other public places, and for any alcohol bans in Schedule 1.

Public holiday has the same meaning given in the Holidays Act 2003.

Public place has the meaning given by section 147 of the Local Government Act 2002.

Related information
The Local Government Act 2002 (as reprinted on 1 July 2018) states a public place –
(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
(b) does not include licensed premises.

Vehicle has the meaning given by section 2(1) of the Land Transport Act 1998.

(2) Related information does not form part of this Bylaw and may be inserted, changed or removed without any formality.

(3) The Interpretation Act 1999 applies to this Bylaw.
Part 2
Alcohol consumption and possession in public places

6 Alcohol prohibited in public places where an alcohol ban applies

(1) A person must not consume, bring or possess alcohol in any public place or in any vehicle in any public place where—
   (a) an alcohol ban made by council in accordance with clause 7 of this Bylaw applies; or
   (b) an alcohol ban in a Schedule of this Bylaw applies.

(2) However, subclause (1) does not apply in those circumstances described in section 147(4) or section 147(1)(b) of the Local Government Act 2002.

<table>
<thead>
<tr>
<th>Related information about alcohol bans</th>
</tr>
</thead>
<tbody>
<tr>
<td>A list of all alcohol bans made using clause 7 and related maps is attached at the end of this Bylaw for information only, and can be viewed on council’s <a href="http://www.aucklandcouncil.govt.nz">website</a>.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Related information about exceptions – Transport of alcohol</th>
</tr>
</thead>
<tbody>
<tr>
<td>In section 147(4) of the Local Government Act 2002 (as reprinted on 26 March 2020), an alcohol ban does not apply in the case of alcohol in an unopened container to,—</td>
</tr>
<tr>
<td><em>(a)</em> the transport of the alcohol from licensed premises next to a public place, if—</td>
</tr>
<tr>
<td><em>(i)</em> it was lawfully bought on those premises for consumption off those premises; and</td>
</tr>
<tr>
<td><em>(ii)</em> it is promptly removed from the public place; or</td>
</tr>
<tr>
<td><em>(b)</em> the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or</td>
</tr>
<tr>
<td><em>(c)</em> the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or</td>
</tr>
<tr>
<td><em>(d)</em> the transport of the alcohol from premises next to a public place to a place outside the public place if—</td>
</tr>
<tr>
<td><em>(i)</em> the transport is undertaken by a resident of those premises; and</td>
</tr>
<tr>
<td><em>(ii)</em> the alcohol is promptly removed from the public place.”</td>
</tr>
</tbody>
</table>

This may include for example, transporting alcohol from a supermarket to your home, from your home to a BYO restaurant or from your home to a friend’s house.

<table>
<thead>
<tr>
<th>Related information about exceptions – Licensed premises</th>
</tr>
</thead>
<tbody>
<tr>
<td>In section 147(1)(b) of the Local Government Act 2002 (as reprinted on 26 March 2020), exceptions apply to an alcohol ban where a licence is held under the Sale and Supply of Alcohol Act 2012 (Subpart 1 of Part 2). This may include for example, buying alcohol at an event at a park that holds a special licence or dining on the footpath at a restaurant that holds an on-licence providing for BYO alcohol.</td>
</tr>
</tbody>
</table>

Clause 6 amended in accordance with Clause 2(2).
7 Council may make an alcohol ban

(1) Council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:

(a) the consumption, bringing or possession of alcohol in public places; and

(b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

(2) Council may amend, replace or revoke an alcohol ban in accordance with clause 8 with all necessary modifications.

Clause 7 amended in accordance with Clause 2(2).

8 Procedure for making an alcohol ban

(1) Council must, before making an alcohol ban in clause 7 –

(a) comply with decision-making requirements under the Local Government Act 2002; and

(b) consider using one of the following standard times where appropriate in relation to the requirements in subclause 2(a) –

(i) 24 hours, 7 days a week (at all times alcohol ban);
(ii) 7am to 7am daily (evening alcohol ban);
(iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night-time alcohol ban);
(iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).

Related information about making an alcohol ban
- Council may make a permanent or temporary alcohol ban by resolution in clause 7 or by making a bylaw. The process to amend, replace or revoke an alcohol ban is similar to the process that made the ban.
- The Local Government Act 2002 (as reprinted on 26 March 2020) prescribes the criteria to make an alcohol ban in sections 147B (for resolutions) and 147A (for bylaws). The criteria cannot be changed by council.
- For permanent alcohol bans by resolution or in a bylaw, the statutory criteria requires:
  - evidence of a high level of crime or disorder in the area caused by or made worse by alcohol consumption in that same area
  - the ban to be appropriate and proportionate in light of the crime or disorder
  - the ban to be justified as a reasonable limitation on people’s rights and freedoms.
- For temporary alcohol bans in Schedule 1, the statutory criteria requires the alcohol ban to be justified as a reasonable limitation on people’s rights and freedoms.
Before making a decision, council must also comply with the general decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002 (as reprinted on 26 March 2020). This could include considering –
- complementary or alternative solutions to an alcohol ban, for example locking gates, public bins, lighting, CCTV and Māori or Pacific Wardens
- views of people likely to be affected by or interested in the alcohol ban, for example nearby residents or businesses, community groups, and the New Zealand Police
- the nature, severity and frequency of alcohol-related crime or disorder
- whether the crime or disorder is a result of displacement from an existing alcohol ban
- whether an alcohol ban would result in displacement of the crime or disorder
- whether a Crime Prevention through Environmental Design assessment is needed.

Council must under clause 8 consider standard times to improve consistency in Auckland, however it may also consider other times more appropriate and proportionate in light of evidence.

**Related information about making an alcohol ban – making a request**
- Members of the public (for example community groups, businesses and the New Zealand Police) may request council to make an alcohol ban at any time, with supporting evidence.

**Related information about alcohol ban signage**
- Council uses alcohol ban signage to inform, educate and assist with enforcement.
- The Governor General may use section 147C of the Local Government Act 2002 (as reprinted on 26 March 2020) to make rules about alcohol ban signage. No rules have been made to date.

Clause 8 replaced in accordance with Clause 2(2).

## Part 4

**Enforcement powers, offences and penalties**

9 **Police can use statutory powers and other methods to enforce this Bylaw**

(1) A Police constable may use their powers under the [Local Government Act 2002](https://www.govt.nz) to enforce this Bylaw.

**Related information about enforcement**
The New Zealand Police are responsible for enforcing alcohol bans and have powers relating to search, seizure and arrest under sections 169 and 170 of the Local Government Act 2002 (as reprinted on 26 March 2020).

Clause 9 amended in accordance with Clause 2(2).
10 **A person can be penalised for not complying with this Bylaw**

(1) A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the *Local Government Act 2002*.

<table>
<thead>
<tr>
<th>Related information about penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>A person who breaches an alcohol ban commits an offence and is liable to an infringement fee of $250 under section 4 of the <em>Local Government (Alcohol Ban Breaches) Regulations 2013</em> (as printed on 18 December 2013).</td>
</tr>
</tbody>
</table>

Clause 10 amended in accordance with Clause 2(2).

**Part 5**

**Savings and transitional provisions**

11 **Existing resolutions continue to apply**

(1) This clause applies to all resolutions made under this Bylaw prior to amendments in clause 2(2) coming into force.

(2) Every resolution made continues to apply as if made after the amendments to this Bylaw until the expiration date specified in the resolution or until amended, replaced or revoked by council, whichever comes first.

Clause 11 inserted in accordance with Clause 2(2).

12 **Existing inquiries to be completed under this Bylaw**

(1) Any compliance or enforcement action by council under this Bylaw that was not completed prior to amendments in clause 2(2) coming into force will continue to be actioned under this Bylaw as if the amendments had not been made.

Clause 12 inserted in accordance with Clause 2(2).
Schedule 1

Event-Based Temporary Alcohol Bans

[Attached maps will be formatted to council communication standards prior to notification]

In this Schedule, “major events” has the same meaning as “large scale events” in section 147A of the Local Government Act 2002.

<table>
<thead>
<tr>
<th>Name</th>
<th>Alcohol Ban Area</th>
<th>Operative Time</th>
<th>Map number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auckland Domain major events alcohol ban</td>
<td>Auckland Domain</td>
<td>8am on the day of any major event at Auckland Domain to 6am on the day after that event</td>
<td>1</td>
</tr>
<tr>
<td>(excluding ‘Christmas in the Park’)</td>
<td>Associated carpark areas and sports fields</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auckland Domain ‘Christmas in the Park’ alcohol ban</td>
<td>Auckland Domain</td>
<td>4pm on the Friday before any ‘Christmas in the Park’ event at the Auckland Domain to 8am on the following Monday after that event</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Associated carpark areas, sports fields and surrounding streets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eden Park major events alcohol ban</td>
<td>Eden Park</td>
<td>12 hours before any major event at Eden Park to 12 hours after that event</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Surounding streets</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fan Trail if activated as part of the event</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mt Smart Stadium major events alcohol ban</td>
<td>Mt Smart Stadium</td>
<td>6am on the day of any major event at Mt Smart Stadium to 6am on the day after that event</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Surrounding streets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western Springs major events alcohol ban</td>
<td>Western Springs Stadium</td>
<td>6am on the day of any major event at Western Springs Stadium to 6am on the day after that event</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Western Springs Lakeside</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Western Springs Outer Fields</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Surrounding streets</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Related information about event-based (temporary) alcohol bans

- More information on major events can be found in council’s Events Policy. The policy describes major events as events that have a regional, national and international profile. Examples of major events where a temporary alcohol ban could apply include concerts (Six60 at Western Springs), festivals (Lantern Festival at Auckland Domain), and sporting events (Warriors at Mount Smart).
- There are two Eden Park Fan Trails. One is a 2.3 kilometre walking route to Eden Park activated on ‘match days’, starting at Western Park on Ponsonby Road. The second was activated last during the 2011 Rugby World Cup and is a 4 kilometre walking route to Eden Park from Queen Elizabeth Square.
Auckland Domain Committee
17 August 2020

Statement of proposal to amend the Alcohol Control Bylaw

Map 1

Defined Alcohol Ban Area

Alcohol Ban Area

Attachment A

Item 8

Auckland Domain - Major events (excluding Christmas in the Park)
Regional
Hours of Operation: 6am on the first day of the event until 6am on the day after the event
Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence.
Attachment A

Item 8

Fan Trail 1: Ponsonby Road to Eden Park
Mt Smart Stadium - Major events

Regional

Hours of Operation: 6am on the day of the event to 6am the day after the event

Alcohol ban does not apply to areas covered by a Sale and Supply of Alcohol Act 2012 licence.
### Related information, Bylaw history

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 November 2010</td>
<td>Made legacy bylaws about alcohol control&lt;sup&gt;1&lt;/sup&gt; (Section 63, Local Government (Auckland Transitional Provisions) Act 2010)</td>
</tr>
<tr>
<td>01 November 2010</td>
<td>Commencement of legacy bylaws about alcohol control (Section 63, Local Government (Auckland Transitional Provisions) Act 2010)</td>
</tr>
<tr>
<td>22 July 2014</td>
<td>Review of legacy bylaws about alcohol control completed (RBC/2014/27)</td>
</tr>
<tr>
<td>31 July 2014</td>
<td>Proposal to make new bylaw about alcohol control and to revoke legacy bylaws (GB/2014/70)</td>
</tr>
<tr>
<td>30 October 2014</td>
<td>Made the Auckland Council Alcohol Control Bylaw 2014 (GB/2014/121)</td>
</tr>
<tr>
<td>18 December 2014</td>
<td>Public notice of making of the Auckland Council Alcohol Control Bylaw 2014 and revocation of legacy bylaws</td>
</tr>
<tr>
<td>11 April 2019</td>
<td>Commencement of Auckland Council Alcohol Control Bylaw 2014 and revocation of legacy bylaws (GB/2014/121)</td>
</tr>
<tr>
<td>24 September 2020</td>
<td>Proposal to make a new bylaw about alcohol control (GB/2020##)</td>
</tr>
<tr>
<td># April 2021</td>
<td>Amended the Auckland Council Alcohol Control Bylaw 2014 (GB/2021##)</td>
</tr>
<tr>
<td>TBC</td>
<td>Public notice of amending the Auckland Council Alcohol Control Bylaw 2014</td>
</tr>
<tr>
<td>01 June 2021</td>
<td>Commencement of amendments to the Auckland Council Alcohol Control Bylaw 2014 (GB/2021##)</td>
</tr>
</tbody>
</table>


### Related information, next bylaw review

This Bylaw must be reviewed by 11 April 2029. If not reviewed by this date, the Bylaw will expire on 11 April 2031.
Alcohol Control Bylaw 2014

Te Ture a Rohe Whakararata Waipiro 2014

(as at 30 October 2014)

Made by Governing Body of Auckland Council

Resolution in Council

30 October 2014

Pursuant to section 145 and 147 of the Local Government Act 2002, the Governing Body of Auckland Council makes the following bylaw about alcohol control matters.
## Contents

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Title</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>Commencement</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Application</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>Purpose</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Interpretation</td>
<td>3</td>
</tr>
<tr>
<td>6</td>
<td>Alcohol bans</td>
<td>4</td>
</tr>
<tr>
<td>7</td>
<td>Making alcohol bans</td>
<td>5</td>
</tr>
<tr>
<td>8</td>
<td>Signage</td>
<td>6</td>
</tr>
<tr>
<td>9</td>
<td>Enforcement</td>
<td>7</td>
</tr>
<tr>
<td>10</td>
<td>Offences and Penalties</td>
<td>7</td>
</tr>
</tbody>
</table>

### Part 1

**Preliminary provisions**

1. Title
2. Commencement
3. Application
4. Purpose
5. Interpretation

### Part 2

**Control of alcohol**

6. Alcohol bans
7. Making alcohol bans
8. Signage

### Part 3

**Enforcement, offences, penalties**

9. Enforcement
10. Offences and Penalties
Part 1
Preliminary provisions

1 Title
   (1) This bylaw is the Alcohol Control Bylaw 2014.

2 Commencement
   (1) This bylaw comes into force on 18 December 2014.

3 Application
   (1) This bylaw applies to Auckland.

4 Purpose
   (1) The purpose of this bylaw is to control the consumption or possession of alcohol in public places to reduce alcohol related harm.

5 Interpretation
   (1) In this bylaw, unless the context otherwise requires, -

Auckland has the meaning given by the Local Government (Auckland Council) Act 2010.

Explanatory Note: As at 20 September 2011, the definition in section 4 of the Local Government (Auckland Council) Act 2009 "...means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1))".

Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 "... means a substance—
(a) that—
   (i) is or contains a fermented, distilled, or spirituous liquor; and
   (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or
(b) that—
   (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and
   (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or
(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people."

Christmas / New Year holiday period means Christmas Eve (the day before Christmas Day) to the day after New Year’s Day as determined by the Holidays Act 2003.

Explanatory Note: As at 01 April 2014, section 45 of the Holidays Act 2003 specifies that where the public holiday falls on a Saturday or Sunday, the
public holiday must be treated as falling on the following Monday or Tuesday respectively.

Community-focused solutions mean alternative or complementary measures to an alcohol ban to reduce alcohol related harm. Examples include crime prevention through environmental design, local community initiatives, discussions with nearby licensees, youth and leadership development programmes, and partnering with Police, Ministry of Justice, sports clubs and town centre / business associations.

Council means the Governing Body of the Auckland Council or any person delegated to act on its behalf.

Explanatory Note: A list of delegations may be attached to this bylaw for information only purposes.

Licensed premises has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 "... means any premises for which a licence [under the Sale and Supply of Alcohol Act 2012] is held."

Public holiday has the same meaning given in the Holidays Act 2003.

Explanatory Note: As at 01 January 2014, the definition of public holiday in section 44 of the Holidays Act 2014 means "...
(a) Christmas Day;
(b) Boxing Day;
(c) New Year’s Day;
(d) 2 January;
(e) Waitangi Day;
(f) Good Friday;
(g) Easter Monday;
(h) ANZAC Day;
(i) the birthday of the reigning Sovereign (observed on the first Monday in June);
(j) Labour Day (being the fourth Monday in October);
(k) the day of the anniversary of a province or the day locally observed as that day.”

Public place has the meaning given by section 147 of the Local Government Act 2002.

Explanatory Note: As at 01 April 2014, the definition in section 147 of the Local Government Act 2002 "...
(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
(b) does not include licensed premises."
(2) The Interpretation Act 1999 applies to this bylaw.

(3) Explanatory notes and additional information attached at the end of this bylaw are for information purposes only, do not form part of this bylaw, and may be made, amended, revoked or replaced by the council at any time without a formal process.

Part 2
Control of alcohol

6 Alcohol bans

(1) Every person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including in a vehicle) in contravention of an alcohol ban made by the council in accordance with clause 7(1).

Explanatory note: As at 01 April 2014 under section 147(4) of the Local Government Act 2002, the prohibition in clause 6(1) does not apply to alcohol in an unopened container in the following circumstances "...
(a) the transport of the alcohol from licensed premises next to a public place, if—
   (i) it was lawfully bought on those premises for consumption off those premises; and
   (ii) it is promptly removed from the public place; or
(b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place;
(c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
(d) the transport of the alcohol from premises next to a public place to a place outside the public place if—
   (i) the transport is undertaken by a resident of those premises; and
   (ii) the alcohol is promptly removed from the public place."

7 Making alcohol bans

(1) The council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
(a) the consumption, bringing into or possession of alcohol in public places; and
(b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

(2) The council must, before making an alcohol ban in clause 7(1) —
(a) be satisfied that the alcohol ban gives effect to the purpose of the bylaw; and
(b) comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002; and
(c) comply with the criteria under section 147B of the Local Government Act 2002 as follows:
   (i) be satisfied that there is documented evidence that the area to which the alcohol ban will apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
   (ii) be satisfied that the alcohol ban is appropriate and proportionate in light of the evidence and can be justified as a reasonable limitation on people’s rights and freedoms; and

(e) investigate and where appropriate, implement community-focused solutions as an alternative to or to complement an alcohol ban; and

(f) consider the views of the New Zealand Police; and

(g) consider the views of Maori; and

(h) consider the views of owners, occupiers, or persons that council has reason to believe are representative of the interests of owners or occupiers, of premises within the area to which the alcohol ban will apply; and

(i) consider the following times, where appropriate and not contrary to the requirements in subclause (2)(c) –
   (i) 24 hours, 7 days a week (at all times alcohol ban);
   (ii) 7pm to 7am daily (evening alcohol ban);
   (iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night time alcohol ban);
   (iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).

Explanatory note: The times in clause 7(2)(f) are a guide to improve consistency in times across Auckland, but recognises that in some instances use of the times specified may be clearly disproportionate to the evidence of the problem and therefore contrary to the statutory requirements in clause 7(2)(c) that requires alcohol bans be proportionate in light of the evidence.

(3) The council may, at any time, amend or revoke an alcohol ban in accordance with clause 7(1) and 7(2) with the necessary modifications.

8 Signage

(1) The council may make controls on any or all of the following in relation to signage for alcohol ban areas subject to compliance with any regulations under section 147C of the Local Government Act 2002:
   (a) require the council to erect and maintain signs indicating the existence or boundaries of an alcohol ban;
   (b) describe the placement of the signs
   (c) prescribe kinds of signs required to be erected and maintained (including, without limitation, content, images, maps, size, lettering, symbols, and colouring).
Part 3

Enforcement, offences, penalties

9 Enforcement
(1) A constable may use their powers under the Local Government Act 2002 to enforce this bylaw.

(2) In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.

Explanatory note: As at 01 April 2014 under section 169 and 170 of the Local Government Act 2002, a constable has powers of arrest, search and seizure in relation to alcohol bans.

10 Offences and penalties
(1) Every person who breaches this bylaw commits an offence.

(2) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

Explanatory note: As at 29 October 2013 the penalty for breaching an alcohol ban is an infringement fee of $250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.
Additional Information to Alcohol Control Bylaw 2014

This document contains matters for information purposes only and does not form part of any bylaw. It includes matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance of a bylaw. The information contained in this document may be updated at any time.

Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>History of bylaw ...................................................... 2</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Related Documents..................................................... 2</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Delegations for matters contained in bylaw.................. 3</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Register of Alcohol Bans........................................... 3</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Enforcement Powers .................................................... 4</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Offences and Penalties............................................... 4</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Monitoring and Review ............................................... 4</td>
<td></td>
</tr>
</tbody>
</table>
# Section 1
## History of Bylaw

<table>
<thead>
<tr>
<th>Action</th>
<th>Description</th>
<th>Date of Decision</th>
<th>Decision Reference</th>
<th>Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make</td>
<td>Following liquor control bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council: Auckland City Council, Part 14 Liquor Control in Public Places; Franklin District Council, Liquor Control Bylaw 2008; Manukau City Council, Chapter 11 Liquor Control; North Shore City Council, Part 24 Control of consumption of liquor; Papakura District Council, Liquor Control in Public Places Bylaw 2008; Rodney District Council, Chapter 16 Liquor Bylaw; Waitakere City Council, Control of Liquor in Public Places Bylaw 2008</td>
<td>01 Nov 2010</td>
<td>Section 63 Local Government (Auckland Transitional Provisions) Act 2010</td>
<td>01 Nov 2010</td>
</tr>
<tr>
<td>Lapse</td>
<td>Previous liquor control bylaws (and consequently any resolutions made pursuant to those bylaws) to be allowed to lapse.</td>
<td>30 Oct 2014</td>
<td>GB/2014/121</td>
<td>31 Oct 2015</td>
</tr>
<tr>
<td>Make</td>
<td>Review of liquor control bylaws resulted in replacing the seven previous liquor control bylaws with the Alcohol Control Bylaw 2014.</td>
<td>30 Oct 2014</td>
<td>GB/2014/121</td>
<td>18 Dec 2014</td>
</tr>
</tbody>
</table>

# Section 2
## Related Documents

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Description of Document</th>
<th>Location of Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Auckland Domain Committee

**17 August 2020**

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<table>
<thead>
<tr>
<th>Attachment A</th>
</tr>
</thead>
</table>

---

### Section 3

**Delegations for matters contained in bylaw**

<table>
<thead>
<tr>
<th>Function, Duty, Power to be Delegated</th>
<th>Delegated Authority</th>
<th>Date of Delegation Decision</th>
<th>Decision Reference</th>
<th>Commencement of Delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>n/a</td>
<td>Oversight of regulatory performance</td>
<td>The Regulatory Committee</td>
<td>7 Nov 2013</td>
<td>GB/2013/132 and GB/2016/237</td>
</tr>
<tr>
<td>CI 7</td>
<td>Make, amend revoke permanent(^1) and temporary(^2) alcohol ban.</td>
<td>Regulatory Committee in relation to any public place described in (^3)</td>
<td>30 Oct 2014</td>
<td>GB/2014/121</td>
</tr>
<tr>
<td></td>
<td>Make, amend or revoke permanent(^1) and temporary(^2) alcohol ban.</td>
<td>Local boards in relation to any public place excluding those public places described in (^3)</td>
<td>30 Oct 2014</td>
<td>GB/2014/121</td>
</tr>
</tbody>
</table>

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Page 3 of 40
Auckland Domain Committee
17 August 2020

Item 8

| Attachment A |

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**Statement of proposal to amend the Alcohol Control Bylaw**

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### Section 4

**Register of current alcohol bans**

Refer to council [website](https://www.aucklandcouncil.govt.nz/licences-regulations/alcohol-bans-policies/Pages/alcohol-ban-maps.aspx).

### Section 5

**Enforcement powers for matters contained in bylaw**

<table>
<thead>
<tr>
<th>Legislative Provision</th>
<th>Description of Legislative Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 169 and 170 of the Local Government Act 2002</td>
<td>A constable has powers of arrest, search and seizure in relation to alcohol bans.</td>
</tr>
</tbody>
</table>

### Section 6

**Offences and penalties for matters contained in bylaw**

<table>
<thead>
<tr>
<th>Provision</th>
<th>Description of Offence</th>
<th>Fine</th>
<th>Infringement Fee</th>
<th>Other Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>cl 6</td>
<td>Breach of bylaw</td>
<td>n/a</td>
<td>$250*</td>
<td>n/a</td>
</tr>
</tbody>
</table>

* Local Government (Alcohol Ban Breaches) Regulations 2013

### Section 7

**Monitoring and review for matters contained in bylaw**

<table>
<thead>
<tr>
<th>Performance Indicator</th>
<th>Measured By</th>
<th>Target</th>
</tr>
</thead>
</table>

* None attached at this time.

---

Page 4 of 40
Appendix C: Comparison of existing Alcohol Control Bylaw and proposed amended Bylaw

The table below shows the current text of the Bylaw compared with proposed amendments.

<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pursuant to section 145 and 147 of the Local Government Act 2002, the Governing Body of Auckland Council makes the following bylaw about alcohol control matters.</td>
<td>Bylaw made under sections 145 and 147 of the Local Government Act 2002.</td>
</tr>
</tbody>
</table>

**Summary**

This summary is not part of the Bylaw but explains the general effects.

Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly.

This can negatively affect nearby residents’ sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.

The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there, by —

- using alcohol bans to prohibit people from consuming, bringing or possessing alcohol in certain public places at certain times (clause 6)
- setting out how council may make a new alcohol ban by resolution (clauses 7 and 8)
- specifying event-based temporary alcohol bans (Schedule 1)
- referencing the full list of alcohol bans and maps (viewable on council’s website).

Other parts of this Bylaw assist with its administration by –

- stating its name, when it comes into force and where it applies (clauses 1, 2 and 3)
- stating the purpose of this Bylaw and defining key terms (clauses 4 and 5)
- referencing the powers of the New Zealand Police to enforce this Bylaw, including the issue of $250 infringement fines (Part 4)
- ensuring existing resolutions continue to apply and incomplete enforcement action can continue where relevant (Part 5).

Cover page reformatted and Summary inserted in accordance with Clause 2(2).

<table>
<thead>
<tr>
<th>1</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>This bylaw is the Alcohol Control Bylaw 2014.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>This Bylaw is the Te Ture a-Rohe Whakararata Waipiro 2014, Alcohol Control Bylaw 2014. Clause 1 amended in accordance with Clause 2(2).</td>
</tr>
</tbody>
</table>
## Attachment A

### Item 8

**Statement of proposal to amend the Alcohol Control Bylaw**

<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 (1) Commencement</td>
<td>2 (1) Commencement</td>
</tr>
<tr>
<td>This bylaw comes into force on 18 December 2014.</td>
<td>This Bylaw comes into force on 18 December 2014.</td>
</tr>
<tr>
<td>3 (1) Application</td>
<td>(2) Amendments to this Bylaw by resolution GB/####/##### come into force on 01 June 2020.</td>
</tr>
<tr>
<td>This bylaw applies to Auckland.</td>
<td>Related Information about amendments</td>
</tr>
</tbody>
</table>

Council decided on **dd month year** to make various amendments to the Bylaw. The majority of the amendments were to make the Bylaw easier to read and understand. Key changes included:

- making new event-based (temporary) alcohol bans in Schedule 1
- using related information notes to replace clauses about alcohol ban signage and to replace clauses that duplicate legislative decision-making criteria
- clarifying exceptions to alcohol bans for licensed premises and the transport of alcohol, and clarifying council’s ability to make temporary alcohol bans.

A comparison of the Bylaw before and after the amendments were made can be viewed in Item 7 of the Auckland Council Governing Body meeting agenda dated **dd month year**.

Clause 2 amended in accordance with Clause 2(2).

| 3 (1) Application | Part 1 Preliminary provisions |
| This Bylaw applies to Auckland. |

| 4 (1) Purpose | 4 (1) Purpose |
| The purpose of this bylaw is to control the consumption or possession of alcohol in public places to reduce alcohol related harm. | The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there. |

Clause 4 amended in accordance with Clause 2(2).

| 5 (1) Interpretation | 5 (1) Interpretation |
| In this bylaw, unless the context otherwise requires, | In this Bylaw, unless the context otherwise requires, |

**Alcohol** has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

**Alcohol** has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.
### Existing Bylaw

**Explanatory Note:** As at 01 April 2014, the definition in section 3(1) of the Sale and Supply of Alcohol Act 2012 "...means a substance—

(a) that—

(i) is or contains a fermented, distilled, or spirituous liquor, and

(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or

(b) that—

(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and

(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or

(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people."

**Auckland** has the meaning given by the Local Government (Auckland Council) Act 2010.

**Explanatory Note:** As at 20 September 2011, the definition in section 4 of the Local Government (Auckland Council) Act 2009 "...means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1))."

### Bylaw with proposed amendments

**Auckland** has the meaning given by section 4(1) of the Local Government (Auckland Council) Act 2009.

**Related Information**

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland’s boundaries in a map titled LGC: Ak R1. The boundaries were formally adopted by Order in Council on 15 March 2010, and came into effect on 1 November 2010.
## Attachment A

### Item 8

#### Existing Bylaw

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christmas / New Year holiday period</td>
<td>means Christmas Eve (the day before Christmas Day) to the day after New Year’s Day as determined by the Holidays Act 2003.</td>
</tr>
<tr>
<td>Explanatory Note:</td>
<td>As at 01 April 2014, section 45 of the Holidays Act 2003 specifies that where the public holiday falls on a Saturday or Sunday, the public holiday must be treated as falling on the following Monday or Tuesday respectively.</td>
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<td>Community-focused solutions</td>
<td>mean alternative or complementary measures to an alcohol ban to reduce alcohol related harm. Examples include crime prevention through environmental design, local community initiatives, discussions with nearby licensees, youth and leadership development programmes, and partnering with Police, Ministry of Justice, sports clubs and town centre / business associations.</td>
</tr>
<tr>
<td>Council</td>
<td>means the Governing Body of the Auckland Council or any person delegated to act on its behalf.</td>
</tr>
<tr>
<td>Explanatory Note:</td>
<td>A list of delegations may be attached to this bylaw for information only purposes.</td>
</tr>
<tr>
<td>Licensed premises</td>
<td>has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.</td>
</tr>
<tr>
<td>Explanatory Note:</td>
<td>As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 “… means any premises for which a licence [under the Sale and Supply of Alcohol Act 2012] is held.”</td>
</tr>
</tbody>
</table>

#### Bylaw with proposed amendments

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christmas / New Year holiday period</td>
<td>means Christmas Eve (the day before Christmas Day) to the day after New Year’s Day as determined by the Holidays Act 2003.</td>
</tr>
<tr>
<td>Council</td>
<td>means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.</td>
</tr>
<tr>
<td>Related information about who can make an alcohol ban</td>
<td>Council has delegated the making of alcohol bans by resolution under clause 7 to –</td>
</tr>
<tr>
<td></td>
<td>• local boards for local parks, streets and car parks as at 30 October 2014 (GB/2014/121)</td>
</tr>
<tr>
<td></td>
<td>• the Regulatory Committee for areas of regional significance as at 30 October 2014 (GB/2014/121)</td>
</tr>
<tr>
<td></td>
<td>• the Auckland Domain Committee for the Auckland Domain as at 1 November 2016 (GB/2016/237).</td>
</tr>
<tr>
<td></td>
<td>The Governing Body of Auckland Council is responsible for making alcohol bans in all other public places, and for any alcohol bans in Schedule 1.</td>
</tr>
<tr>
<td><strong>Existing Bylaw</strong></td>
<td><strong>Bylaw with proposed amendments</strong></td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------------------------</td>
</tr>
</tbody>
</table>
| **Public holiday** has the same meaning given in the Holidays Act 2003.  
Explanatory Note: As at 01 January 2014, the definition of public holiday in section 44 of the Holidays Act 2014 means “…
(a) Christmas Day;
(b) Boxing Day;
(c) New Year’s Day;
(d) 2 January;
(e) Waitangi Day;
(f) Good Friday;
(g) Easter Monday;
(h) ANZAC Day;
(i) the birthday of the reigning Sovereign (observed on the first Monday in June);
(j) Labour Day (being the fourth Monday in October);
(k) the day of the anniversary of a province or the day locally observed as that day.” | **Public holiday** has the same meaning given in the Holidays Act 2003. |

| **Public place** has the meaning given by section 147 of the Local Government Act 2002.  
Explanatory Note: As at 01 April 2014, the definition in section 147 of the Local Government Act 2002 “… means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but does not include licensed premises.” | **Public place** has the meaning given by section 147 of the Local Government Act 2002.  
**Related information**  
The Local Government Act 2002 (as reprinted on 1 July 2018) states a public place –
(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it, but
(b) does not include licensed premises. |

| **Vehicle** has the meaning given by section 2(1) of the Land Transport Act 1998. | **Vehicle** has the meaning given by section 2(1) of the Land Transport Act 1998. |
### Attachment A

#### Item 8

**Statement of proposal to amend the Alcohol Control Bylaw**

<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td>(2) Related information does not form part of this Bylaw and may be inserted, changed or removed without any formality.</td>
</tr>
<tr>
<td>(3)</td>
<td>(3) The <em>Interpretation Act 1999</em> applies to this Bylaw.</td>
</tr>
</tbody>
</table>

Explanatory notes and additional information attached at the end of this bylaw are for information purposes only, do not form part of this bylaw, and may be made, amended, revoked or replaced by the council at any time without a formal process.

**Part 2**

- **Control of alcohol**
- **Part 2**
  - Alcohol consumption and possession in public places

17 August 2020
<table>
<thead>
<tr>
<th>6</th>
<th>Alcohol bans</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Every person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including in a vehicle) in contravention of an alcohol ban made by the council in accordance with clause 7(1).</td>
</tr>
</tbody>
</table>

Explanatory note: As at 01 April 2014 under section 147(4) of the Local Government Act 2002, the prohibition in clause 6(1) does not apply to alcohol in an unopened container in the following circumstances. |

- (a) the transport of the alcohol from licensed premises next to a public place, if—
  - (i) it was lawfully bought on those premises for consumption off those premises; and
  - (ii) it is promptly removed from the public place, or
- (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
- (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- (d) the transport of the alcohol from premises next to a place outside the public place if—
  - (i) the transport is undertaken by a resident of those premises, and
  - (ii) the alcohol is promptly removed from the public place.

<table>
<thead>
<tr>
<th>6</th>
<th>Alcohol prohibited in public places where an alcohol ban applies</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>A person must not consume, bring or possess alcohol in any public place or in any vehicle in any public place where—</td>
</tr>
</tbody>
</table>
  - (a) an alcohol ban made by council in accordance with clause 7 of this Bylaw applies, or
  - (b) an alcohol ban in a Schedule of this Bylaw applies. |

(2) However, subclause (1) does not apply in those circumstances described in section 147(4) or section 147(1)(b) of the Local Government Act 2002.

## Related information about alcohol bans
A list of all alcohol bans made using clause 7 and related maps is attached at the end of this Bylaw for information only, and can be viewed on council’s [website](#).

## Related information about exceptions – Transport of alcohol
In section 147(4) of the Local Government Act 2002 (as reprinted on 26 March 2020), an alcohol ban does not apply in the case of alcohol in an unopened container to,—

- (a) the transport of the alcohol from licensed premises next to a public place, if—
  - (i) it was lawfully bought on those premises for consumption off those premises; and
  - (ii) it is promptly removed from the public place, or
- (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
- (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- (d) the transport of the alcohol from premises next to a place outside the public place if—
  - (i) the transport is undertaken by a resident of those premises, and
  - (ii) the alcohol is promptly removed from the public place.

This may include for example, transporting alcohol from a supermarket to your home, from your home to a BYO restaurant or from your home to a friend’s house.

## Related information about exceptions – Licensed premises
In section 147(1)(b) of the Local Government Act 2002 (as reprinted on 26 March 2020), exceptions apply to an alcohol ban where a licence is held under the Sale and Supply of Alcohol Act 2012 (Subpart 1 of Part 2). This may include for example, buying alcohol at an event at a park that holds a special licence or dining on the footpath at a restaurant that holds an on-licence providing for BYO alcohol.

Clause 6 amended in accordance with Clause 2(2).
<table>
<thead>
<tr>
<th>Attachment A</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Item 8</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Existing Bylaw</strong></td>
<td></td>
</tr>
<tr>
<td>Bylaw with proposed amendments</td>
<td></td>
</tr>
<tr>
<td>Part 3 Controls</td>
<td></td>
</tr>
</tbody>
</table>
### 7 Making alcohol bans

(1) The council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
   (a) the consumption, bringing into or possession of alcohol in public places; and
   (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

(2) The council must, before making an alcohol ban in clause 7(1)—
   (a) be satisfied that the alcohol ban gives effect to the purpose of the bylaw, and
   (b) comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002; and
   (c) comply with the criteria under section 147B of the Local Government Act 2002 as follows:
      (i) be satisfied that there is documented evidence that the area to which the alcohol ban will apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
      (ii) be satisfied that the alcohol ban is appropriate and proportionate in light of the evidence and can be justified as a reasonable limitation on people’s rights and freedoms; and
   (e) investigate and where appropriate, implement community-focused solutions as an alternative to or to complement an alcohol ban; and

### 7 Council may make an alcohol ban

(1) Council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
   (a) the consumption, bringing into or possession of alcohol in public places; and
   (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

(2) Council may amend, replace or revoke an alcohol ban in accordance with clause 8 with all necessary modifications.

Clause 7 amended in accordance with Clause 2(2).

### 8 Procedure for making an alcohol ban

(1) Council must, before making an alcohol ban in clause 7—
   (a) comply with decision-making requirements under the Local Government Act 2002; and
   (b) consider using one of the following standard times where appropriate in relation to the requirements in subclause 2(a)—
      (i) 24 hours, 7 days a week (at all times alcohol ban);
      (ii) 7pm to 7am daily (evening alcohol ban);
      (iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night-time alcohol ban);
      (iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).

---

**Related information about making an alcohol ban**

- Council may make a permanent or temporary alcohol ban by resolution in clause 7 or by making a bylaw. The process to amend, replace or revoke an alcohol ban is similar to the process that made the ban.
- The Local Government Act 2002 (as reprinted on 26 March 2020) prescribes the criteria to make an alcohol ban in sections 147B (for resolutions) and 147A (for bylaws). The criteria cannot be changed by council.
- For permanent alcohol bans by resolution or in a bylaw, the statutory criteria requires:
  - evidence of a high level of crime or disorder in the area caused by or made worse by alcohol consumption in that same area.
<table>
<thead>
<tr>
<th><strong>Existing Bylaw</strong></th>
<th><strong>Bylaw with proposed amendments</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(f) consider the views of the New Zealand Police; and</td>
<td>• the ban to be appropriate and proportionate in light of the crime or disorder</td>
</tr>
<tr>
<td>(g) consider the views of Māori; and</td>
<td>• the ban to be justified as a reasonable limitation on people’s rights and freedoms.</td>
</tr>
<tr>
<td>(h) consider the views of owners, occupiers, or persons that council has reason to believe are representative of the interests of owners or occupiers; of premises within the area to which the alcohol ban will apply; and</td>
<td>• For temporary alcohol bans in Schedule 1, the statutory criteria requires the alcohol ban to be justified as a reasonable limitation on people’s rights and freedoms.</td>
</tr>
<tr>
<td>(i) consider the following times, where appropriate and not contrary to the requirements in subclause (2)(c) –</td>
<td>• Before making a decision, council must also comply with the general decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002 (as reprinted on 28 March 2020). This could include considering –</td>
</tr>
<tr>
<td>(i) 24 hours, 7 days a week (at all times alcohol ban);</td>
<td>• complementary or alternative solutions to an alcohol ban, for example locking gates, public bins, lighting, CCTV and Māori or Pacific Wardens.</td>
</tr>
<tr>
<td>(ii) 7pm to 7am daily (evening alcohol ban);</td>
<td>• views of people likely to be affected by or interested in the alcohol ban, for example nearby residents or businesses, community groups, and the New Zealand Police.</td>
</tr>
<tr>
<td>(iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night time alcohol ban);</td>
<td>• the nature, severity and frequency of alcohol-related crime or disorder</td>
</tr>
<tr>
<td>(iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).</td>
<td>• whether the crime or disorder is a result of displacement from an existing alcohol ban</td>
</tr>
</tbody>
</table>

**Explanatory note:** The times in clause 7(2)(f) are a guide to improve consistency in times across Auckland, but recognises that in some instances use of the times specified may be clearly disproportionate to the evidence of the problem and therefore contrary to the statutory requirements in clause 7(2)(c) that requires alcohol bans be proportionate in light of the evidence.

(3) The council may, at any time, amend or revoke an alcohol ban in accordance with clause 7(1) and 7(2) with the necessary modifications.

---

Clause 8 replaced in accordance with Clause 2(2).
<table>
<thead>
<tr>
<th><strong>Existing Bylaw</strong></th>
<th><strong>Bylaw with proposed amendments</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8 Signage</strong></td>
<td><strong>Part 3 Enforcement, offences, penalties</strong></td>
</tr>
<tr>
<td>(1) The council may make controls on any or all of the following in relation to signage for alcohol ban areas subject to compliance with any regulations under section 147C of the Local Government Act 2002:</td>
<td></td>
</tr>
<tr>
<td>(a) require the council to erect and maintain signs indicating the existence or boundaries of an alcohol ban;</td>
<td><strong>Part 4 Enforcement powers, offences and penalties</strong></td>
</tr>
<tr>
<td>(b) describe the placement of the signs</td>
<td></td>
</tr>
<tr>
<td>(c) prescribe kinds of signs required to be erected and maintained (including, without limitation, content, images, maps, size, lettering, symbols, and colouring).</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>9</strong> Police can use statutory powers and other methods to enforce this Bylaw</td>
</tr>
<tr>
<td><strong>9 Enforcement</strong></td>
<td>(1) A Police constable may use their powers under the Local Government Act 2002 to enforce this Bylaw.</td>
</tr>
<tr>
<td>(1) A constable may use their powers under the Local Government Act 2002 to enforce this bylaw.</td>
<td></td>
</tr>
<tr>
<td>(2) In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.</td>
<td><strong>Related information about enforcement</strong></td>
</tr>
<tr>
<td><strong>Explanatory note:</strong> As at 01 April 2014 under section 169 and 170 of the Local Government Act 2002, a constable has powers of arrest, search and seizure in relation to alcohol bans.</td>
<td>The New Zealand Police are responsible for enforcing alcohol bans and have powers relating to search, seizure and arrest under sections 169 and 170 of the Local Government Act 2002 (as reprinted on 26 March 2020).</td>
</tr>
<tr>
<td></td>
<td>Clause 9 amended in accordance with Clause 2(2).</td>
</tr>
<tr>
<td><strong>10 Offences and penalties</strong></td>
<td><strong>10 A person can be penalised for not complying with this Bylaw</strong></td>
</tr>
<tr>
<td>(1) Every person who breaches this bylaw commits an offence.</td>
<td>(1) A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the Local Government Act 2002.</td>
</tr>
<tr>
<td>(2) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.</td>
<td><strong>Related information about penalties</strong></td>
</tr>
</tbody>
</table>
### Existing Bylaw

**Explanatory note:** As at 29 October 2013 the penalty for breaching an alcohol ban is an infringement fee of $250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.

### Bylaw with proposed amendments

A person who breaches an alcohol ban commits an offence and is liable to an infringement fee of $250 under section 4 of the Local Government (Alcohol Ban Breaches) Regulations 2013 (as printed on 18 December 2013).

Clause 10 amended in accordance with Clause 2(2).

### Part 5

**Savings and transitional provisions**

#### 11 Existing resolutions continue to apply

1. This clause applies to all resolutions made under this Bylaw prior to amendments in clause 2(2) coming into force.

2. Every resolution made continues to apply as if made after the amendments to this Bylaw until the expiration date specified in the resolution or until amended, replaced or revoked by council, whichever comes first.

Clause 11 inserted in accordance with Clause 2(2).

#### 12 Existing inquiries to be completed under this Bylaw

1. Any compliance or enforcement action by council under this Bylaw that was not completed prior to amendments in clause 2(2) coming into force will continue to be actioned under this Bylaw as if the amendments had not been made.

Clause 12 inserted in accordance with Clause 2(2).

### Schedule 1

**Event-Based (Temporary) Alcohol Bans**

[Attached maps will be formatted to council communication standards prior to notification]

In this Schedule, “major events” has the same meaning as “large scale events” in section 147A of the Local Government Act 2002.

<table>
<thead>
<tr>
<th>Name</th>
<th>Alcohol Ban Area</th>
<th>Operative Time</th>
<th>Map number</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Auckland Domain major events alcohol ban (excluding)</td>
<td>• Auckland Domain • Associated carpark areas and sports fields</td>
<td>6am on the day of any major event at Auckland Domain to 6am on the day after that event</td>
<td>1</td>
</tr>
</tbody>
</table>
# Existing Bylaw

<table>
<thead>
<tr>
<th>Event Type</th>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auckland Domain</td>
<td>• Auckland Domain&lt;br&gt;• 'Christmas in the Park' alcohol ban</td>
<td>• Auckland Domain&lt;br&gt;• Associated carpark areas, sports fields and surrounding streets&lt;br&gt;4pm on the Friday before any 'Christmas in the Park' event at the Auckland Domain to 8am on the following Monday after that event</td>
</tr>
<tr>
<td>Eden Park major events</td>
<td>• Eden Park&lt;br&gt;• Surrounding streets&lt;br&gt;• Fan Trail if activated as part of the event</td>
<td>12 hours before any major event at Eden Park to 12 hours after that event</td>
</tr>
<tr>
<td>Mt Smart Stadium major events</td>
<td>• Mt Smart Stadium&lt;br&gt;• Surrounding streets</td>
<td>6am on the day of any major event at Mt Smart Stadium to 6am on the day after that event</td>
</tr>
<tr>
<td>Western Springs major events</td>
<td>• Western Springs Stadium&lt;br&gt;• Western Springs Lakeside&lt;br&gt;• Western Springs Outer Fields&lt;br&gt;• Surrounding streets</td>
<td>6am on the day of any major event at Western Springs Stadium to 6am on the day after that event</td>
</tr>
</tbody>
</table>

## Related information about event-based (temporary) alcohol bans

- More information on major events can be found in council's [Events Policy](#). The policy describes major events as events that have a regional, national and international profile. Examples of major events where a temporary alcohol ban could apply include concerts (Six60 at Western Springs), festivals (Lantern Festival at Auckland Domain), and sporting events (Warriors at Mount Smart).
- There are two Eden Park Fan Trails. One is a 2.3 kilometre walking route to Eden Park activated on 'match days', starting at Western Park on Ponsonby Road. The second was activated last during the 2011 Rugby World Cup and is a 4 kilometre walking route to Eden Park from Queen Elizabeth Square.
Te take mō te pūrongo
Purpose of the report
1. To seek feedback from the Auckland Domain Committee on volunteer conservation activities and environmental programmes in the Auckland Domain, including community clean-ups.

Whakarāpopototanga matua
Executive summary
2. Across the parks network, the Community Parks team engages in a variety of programmes to connect people to nature and to engage the public in volunteering and other environmental related events and activities. These programmes develop a stronger natural resource stewardship among the public and an appreciation for the parks Council manages. Typical volunteer activities include community planting, pest animal and plant control and community clean-ups.

3. The Auckland Domain masterplan proposes to increase the ecological and biodiversity values in the Domain and to involve volunteers and schools in these activities.

4. Historically, the Auckland Domain has not had a committed local community group adopt it to carry out conservation activities. There is however volunteering around pest animal control.

5. There is an opportunity to increase interest in volunteer activities in the Domain through a range of community events such as clean-ups. Officers recommend that, if supported by the Committee, further investigations are undertaken to identify specific volunteer events and activities that could be introduced over the coming year.

Ngā tūtohunga
Recommendation/s
That the Auckland Domain Committee:

a) request staff to explore opportunities to increase volunteer conservation activities and environmental programmes in the Auckland Domain, including a community clean-up event.

Horopaki
Context
6. Whilst the Auckland Domain has not had a committed local community group adopt it to carry out conservation activities, since 2007 volunteers have been regularly trapping rodents and possums in the bush area of the park (approximately 15 hectares). In 2015 the number of trap lines was increased from two to four.

7. Pest plants and pest animals are the greatest threat to the ecological integrity of the native bush in the Auckland Domain. Ongoing control of these pests is essential.

8. Whereas in most cases local parks are located within a strong residential community catchment, the neighbours to the Auckland Domain are complex in ownership e.g. railway land, Health Board (Auckland Hospital), commercial, industrial and with very few directly adjacent residential properties.
9. Conservation Volunteers New Zealand (CVNZ) have been engaged to support and manage animal pest control volunteers in the Auckland Domain as a part of wider pest control work with volunteers across the central isthmus. This is a rostered pest animal control project with volunteers from throughout the central Auckland area carrying out trapping of pest animals in local parks.

10. The volunteer programmes are complimentary to the maintenance undertaken by council contractors.

Tātaritanga me ngā tohutohu
Analysis and advice

11. A key principle in the Auckland Domain masterplan is “Creating an environmentally sustainable park that is an exemplar on the world stage”. A key proposal in the plan is to continue to manage weeds and pests to increase the ecological and biodiversity values in the Domain and to involve volunteers and schools in these activities.

12. There may be an opportunity to increase interest in volunteer activities in the Domain through a range of community events, including:
   - Park care events such as a community clean up, community tree planting, or mulching.
   - Continue the pest animal control by volunteers in the bush area.
   - Educational opportunities with local schools around pest plant and animal control.
   - Guided ranger walks.

Tauākī whakaaweawe āhuarangi
Climate impact statement

13. Proposed works will contribute to addressing climate change, by showcasing major opportunities and benefits to Auckland such as:
   - cleaner air and water i.e. cooler streams through planting and carbon sequestration by maintaining the health of the current trees and planting new ones
   - healthier communities i.e. people connected to their whenua and protecting it.


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

15. A co-ordinated approach with Community Facilities will be important to ensure that any volunteer activities compliment the maintenance contracts.

16. The Full Facilities contract includes community outcomes and workforce development requirements. This involves contractors working with and supporting community groups and volunteers where relevant.

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

17. The Waitemata Local Board has supported the local park volunteer programme and has been providing LDI funding.
Ecological Volunteering in the Domain

Tauākī whakaaweawe Māori
Māori impact statement

18. The Auckland Domain masterplan recognises and supports local iwi and hapu in their role as kaitiaki. The environmental work that the Council carries out aligns with the values of protecting and enhancing the mauri of reserves in the Waitematā area. There is a commitment to consult and work with mana whenua on all projects to ensure the protection and restoration of sites of significance to Māori.

Ngā ritenga ā-pūtea
Financial implications

19. The pest animal control activities undertaken by volunteers is funded by the Waitemata local board LDI funding at a cost of approximately $1,000 per annum.

20. It is recommended that any additional volunteer programmes during the current financial year focus on low cost events, and that those events be funded from within the approved Waitematā Local Board Locally Driven Initiatives OPEX, Parks Sport and Recreation Ecological and Environmental Programmes budget. A request for a total budget of $15,000 is pending approval from the local board (including $4,000 for an Arbor Day planting should the local board wish to proceed with this event in winter 2021).

21. Delivery of the planned programmes is dependent on approval of these budgets.

Ngā raru tūpono me ngā whakamaaurutanga
Risks and mitigations

22. It is critically important to consider the works the Community Facilities and Ecological Restoration contracts are committed to and how volunteer work aligns with and leverages off these contracts.

23. Support for local kaitiakitanga of this catchment will help to make the delivery model broader to support further environmental initiatives across the wider catchment.

24. Lack of interest from the community considering the financial and staff resources contributed.

25. Lack of work for volunteers to engage with e.g. need for a litter clean-up.

Ngā koringa ā-muri
Next steps

26. It is recommended that officers investigate opportunities to increase volunteer activities in the Domain. This could include a site visit with committee members to determine what opportunities there may be for volunteer work at the park.

Ngā tāpirihanga
Attachments

There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Paul Duffy - Volunteering and Programmes Team Leader</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Mace Ward - General Manager Parks, Sports and Recreation</td>
</tr>
<tr>
<td></td>
<td>Martin van Jaarsveld - Manager Community Parks &amp; Places</td>
</tr>
</tbody>
</table>
Te take mō te pūrongo
Purpose of the report
1. To provide the Auckland Domain Committee with an update on the proposed work programme for the Auckland Domain and to seek formal feedback on the programme.

Whakarāpopototanga matua
Executive summary
2. Due to Covid-19 impacts, the Emergency Budget means that the budgets available to the Governing Body and Local Boards are reduced from those previously anticipated and as a result, some activities that were previously proposed for 2020/2021 have been deferred or removed from the draft work programme through a reprioritisation exercise.
3. The proposed work programme, which is subject to approval by the Governing Body, includes the following projects for the current financial year;
   • Wintergarden renewal
   • Sports field renewal
   • Trial gates
   • Pathway connections
   • Kiosk Road carpark
4. A number of the above projects will be delivered across multiple financial years.

Ngā tūtohunga
Recommendation/s
That the Auckland Domain Committee:
   a) endorse the proposed FY20/21 work programme as set out in Attachment A of the report
   b) provide formal feedback on the work programme.

Horopaki
Context
5. The Covid-19 pandemic has made an unprecedented impact on the world. The economic impact has seen a reduction in Council’s revenue; therefore, it was not possible for Council to continue to fund all projects initially earmarked for the 2020/21 Annual Plan. There have also been delays to projects in the previous financial year as a result of Covid-19. Some activities that were previously proposed for 2020/2021 have been deferred or removed from the draft work programme through a reprioritisation exercise.
6. To determine the priorities for the Auckland Domain, a committee workshop was held on 6 April 2020. The discussions in the committee’s workshop have informed the priority list. This included support to proceed with projects that addressed health and safety.
7. The table below reflects the priority of projects as indicated by the committee during the April workshop.
Table 1: Priorities identified during the April committee workshop

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Priority 1</td>
<td></td>
</tr>
<tr>
<td>Wintergarden renewal</td>
<td>Renew glasshouses, including glazing upgrade and seismic strengthening.</td>
</tr>
<tr>
<td>Sports field renewal</td>
<td>Rationalise and reorient the cricket wickets to address the health and safety risks of overlapping boundaries.</td>
</tr>
<tr>
<td>Trial gates to manage commuter parking</td>
<td>Installation of temporary gates at Titoki Street carpark and Carlton Gore Road entrance to ensure parking is available for Domain users.</td>
</tr>
<tr>
<td>Improving access, safety, and amenity of key circuits</td>
<td>Removal of parking on high pedestrian areas and around the front of the Auckland Museum to improve visitor experiences, address health and safety and improve amenity.</td>
</tr>
<tr>
<td>and connections</td>
<td></td>
</tr>
<tr>
<td>Priority 2</td>
<td></td>
</tr>
<tr>
<td>Develop pathway connections</td>
<td>Improving pedestrian and cycling circuits and links to meet the demand due to high usage and population increase, including enhanced links between the Titoki St carpark and sports fields, and to Parnell train station.</td>
</tr>
<tr>
<td>Auckland Domain signage budget</td>
<td>Commission CVAs to inform interpretation and masterplan history section, prepare way-finding plan and deliver new signs to support accessibility.</td>
</tr>
<tr>
<td>Priority 3</td>
<td></td>
</tr>
<tr>
<td>Natural play and connections</td>
<td>Development of a natural play area in line with the Auckland Domain Masterplan in vicinity of duck ponds and Kiosk Road.</td>
</tr>
<tr>
<td>Kiosk Road carpark</td>
<td>Development of a new car park at Kiosk Road to support the natural play area.</td>
</tr>
<tr>
<td>Kari Street Commons - stage 1</td>
<td>Reinstate Kari Street nursery site to a general park with a range of park facilities with a focus on supporting youth and events.</td>
</tr>
<tr>
<td>Lighting renewal</td>
<td>Renewal of current lighting network based on prioritised programme.</td>
</tr>
</tbody>
</table>

Tātaritanga me ngā tohutohu
Analysis and advice

Capital Work programme

8.  The proposed work programme is made up of activities and initiatives continuing from previous financial years which are supported by the Domain Committee, Governing Body and the Waitemata Local Board.

9.  The proposed work programme is subject to approval by the Governing Body. Any of the projects identified in Attachment A are subject to change, however, the work programme in its current format was supported by the Governing Body at the July workshop.
10. Due to Covid-19 impacts, the Emergency Budget means that the budgets available to the Governing Body and Local Boards are reduced from those previously anticipated and as a result, some activities that were previously proposed for 2020/2021 have been deferred or removed from the draft work programme through a reprioritisation exercise.

11. The proposed work programme includes existing projects that have been continued from the previous financial year where those projects require multiple years for delivery (multi-year projects). All projects include actual anticipated spend as there will be no carry forward of capital funding from the 2019/2020 financial year.

12. The following table shows the Auckland Domain projects that are proposed to be included in the FY20/21 work programme.

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wintergarden renewal</td>
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<td>Rationalise and reorient the cricket wickets to address the health and safety risks of overlapping boundaries.</td>
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<tr>
<td>Develop pathway connections</td>
<td>Improving pedestrian and cycling circuits and links to meet the demand due to high usage and population increase, including enhanced links between the Titoki St carpark and sports fields, and to Parnell train station.</td>
</tr>
<tr>
<td>Kiosk Road carpark</td>
<td>Development of a new car park at Kiosk Road to support the natural play area.</td>
</tr>
</tbody>
</table>

13. Of particular note in the work programme is the continuation of both the Wintergardens renewal and the sports field renewal which has been rescoped to first address the immediate health and safety concerns around the cricket pitch orientation. Both projects were considered a high priority to the committee in the April workshop.

14. The removal of parking in front of the museum, which was funded through Opex, is currently unfunded and is thus not included in the programme. Officers will however continue to identify potential Opex savings during the year that could potentially fund this project.

15. The proposed work programme in Attachment A contains:

- Number of proposed projects (excluding leases and contract lines) in FY20/21: 5
- Indicative cost for proposed projects in the 2020/2021 financial year: $5,063,803 from multiple funding sources including regional renewals and development, seismic strengthening, Waitemata Local Board Parnell Parking Fund and Auckland Transport Capital Transport Fund

**Capital Programme Delivery**

**Cost estimates subject to change**

16. Budget allocations within the work programme are best estimates only. Project costings are subject to change and refinement as projects progress through the design and delivery process. Greater clarity will be determined around the specific work required and the cost of delivery of that work once the details are defined.
Tauākī whakaaweawe āhuarangi
Climate impact statement
17. Many of the activities in the proposed work programme will have impact on greenhouse gas emissions and contribute towards climate change adaptation. These impacts will be considered as projects progress and will be reported to the committee at future reporting opportunities. The sorts of impacts to be considered include:

- Maximum upcycling and recycling of old material
- Installation of energy efficiency measures
- Building design to ensure the maximum lifetime and efficiency of the building is obtained
- Lifecycle impacts of construction materials (embodied emissions)
- Exposure of building location to climate change hazards (sea level rise, flooding (floodplains), drought, heat island effect)
- Anticipated increase in carbon emissions from construction, including contractor emissions
- Lifecycle impacts of construction materials.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
18. The draft work programme was developed through a collaborative approach by operational council departments, with each department represented in the integrated team that presented the draft work programme to the committee and governing body at a series of workshops.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
19. The Community Facilities work programme has been considered by the committee and governing body in a series of workshops from November 2019 to July 2020. The views expressed by members during the workshops have informed the recommended work programme.

20. Community facilities and open spaces provide important community services to the people of the local board area. They contribute to building strong, healthy and vibrant communities by providing spaces where Aucklanders can participate in a wide range of social, cultural, art and recreational activities. These activities improve lifestyles and a sense of belonging and pride amongst residents.

Tauākī whakaaweawe Māori
Māori impact statement
21. The Community Facilities work programme ensures that all facilities and open space assets continue to be well-maintained assets that benefit the local community, including Māori. When developing and delivering work programmes consideration is given to how the activities can contribute to Māori well-being, values, culture and traditions.

22. Karanga Atu! Karanga Mai! relationship approach responds to Māori aspirations and delivers on council’s statutory obligations and relationship commitments to Māori.

23. Where aspects of the proposed work programme are anticipated to have a significant impact on activity of importance to Māori then appropriate engagement will be undertaken.
Ngā ritenga ā-pūtea

Financial implications

24. The Domain Committee do not hold any capital expenditure budget. Funding for projects on the domain come from the Parks Art Community and Events Committee in the form of Regional Capital Expenditure or the Waitemata Local Board.

25. Financial implications of COVID-19/Emergency Budget have resulted in a reduced renewals budget for the region and significantly reduced development budgets such as growth.

26. Table 3 summarises the relevant budgets and proposed allocation.

Table 3: Budget allocation

<table>
<thead>
<tr>
<th>Proposed Budgets</th>
<th>2020/2021</th>
<th>2021/2022</th>
<th>2022/2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Renewals (including Seismic Strengthening) - Proposed Allocation</td>
<td>$4,084,682</td>
<td>$1,180,818</td>
<td>$350,000</td>
</tr>
<tr>
<td>Waitematā Local Board’s AT Capital Transport Fund - Allocation</td>
<td>$932,340</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Waitemata Local Board - Parnell Parking Fund - Allocation</td>
<td>$46,781</td>
<td>$424,435</td>
<td>$0</td>
</tr>
<tr>
<td>ABS: Capex - Growth</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Total Auckland Domain Proposed Allocation</td>
<td>$5,063,803</td>
<td>$1,605,253</td>
<td>$200,000</td>
</tr>
</tbody>
</table>

27. The proposed work programme can be accommodated within the available regional budgets. Approval of the work programme does not have significant financial implications, unless projects experience a significant overspend or underspend.

28. Regular updates on the delivery of the programme will be provided to the committee. These updates will identify progress of all projects and potential amendments to the approved programme including changes to budget allocation and timing.

29. The commercial manager has approved the financial content in this report.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

30. If the proposed Community Facilities work programme is not approved at the Governing Body business meeting, there is a risk that the proposed projects may not be delivered within the 2020/2021 financial year.

31. The COVID-19 pandemic could have a further negative impact on the delivery local board work programmes if the COVID-19 Alert Level changes (New Zealand’s 4-level Alert System specifies measures to be taken against COVID-19 at each level). The deliverability of some activities will decrease if there is an increase to the COVID-19 Alert Level.

Ngā koringa ā-muri

Next steps

32. The feedback provided by the committee will be used to inform the final work programme, which is subject to governing body approval.
Auckland Domain Committee
17 August 2020

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Auckland Domain Work Programme</td>
<td>79</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Martin van Jaarsveld - Manager Community Parks &amp; Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Mace Ward - General Manager Parks, Sports and Recreation</td>
</tr>
</tbody>
</table>
### Attachment A: Current work programme

<table>
<thead>
<tr>
<th>Activity Name and Description</th>
<th>Budget Source</th>
<th>2019/2020 &amp; prior budget $</th>
<th>YTD Expenditure</th>
<th>2020/2021 $</th>
<th>Status Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wintergarden renewal</td>
<td>ABS Capex - Regional Renewal and Seismic Strengthening</td>
<td>$816,095</td>
<td>$0</td>
<td>$4,063,087</td>
<td>Resource and Building Consent for Seismic and Glazing upgrade works has been granted. Next steps: Tender documentation to be finalized.</td>
</tr>
<tr>
<td>Sportsfields renewal</td>
<td>ABS: Capex Development and ABS Capex - Regional Renewal</td>
<td>$18,405</td>
<td>$0</td>
<td>$31,595</td>
<td>Concept design report received addressing drainage on lower fields and wicket layout. Next steps: potentially proceed with wicket replacement only - prepare statement of works. Obtain revised quote with physical works and develop new concept proposal.</td>
</tr>
<tr>
<td>Improve access, safety and amenity of key circuits and connections (parking removal)</td>
<td>CF opex / AT / Auckland Museum</td>
<td>$18,200</td>
<td>$0</td>
<td></td>
<td>A traffic consultant has prepared a report for the AT traffic control committee to approve the parking removal. Next steps: communications programme to advise the public of the parking changes. Then physical removal of signs and road markings.</td>
</tr>
<tr>
<td>Trial gates to address commuter parking</td>
<td>Waitemata Local Board - Parnell Parking Fund</td>
<td>$13,219</td>
<td>$0</td>
<td>$16,781</td>
<td>AT approval process confirmed. Next steps: communications programme to advise the public of the parking changes. Apply for Traffic management plan approval and procure gates for install.</td>
</tr>
<tr>
<td>Activity Name and Description</td>
<td>Budget Source</td>
<td>2019/2020 &amp; prior budget $</td>
<td>YTD Expenditure</td>
<td>2020/2021 $</td>
<td>Status Update</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------------</td>
<td>--------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>New pathway connections -</td>
<td>Waitematā Local Board's AT Capital Transport Fund</td>
<td>$30,661</td>
<td>$0</td>
<td>$932,340</td>
<td>Site investigations are underway, surveys have been completed but other preliminary results are expected to be delayed due to Covid-19. Next steps: Draft concept plans once the site investigations are complete.</td>
</tr>
<tr>
<td>Signage</td>
<td>Annual Budget</td>
<td>$150,000</td>
<td>$0</td>
<td>$0</td>
<td>Scoping of this has been undertaken and budget will be deferred until FY22/23.</td>
</tr>
<tr>
<td>Natural play area</td>
<td>ABS: Capex - Growth</td>
<td>$76,835</td>
<td>$0</td>
<td>$0</td>
<td>Due to financial constraints, this project will be placed on hold and the budget deferred to FY23/24.</td>
</tr>
<tr>
<td>New carpark on Kiosk Road</td>
<td>Waitematā Local Board - Parnell Parking Fund</td>
<td>$4,820</td>
<td>$0</td>
<td>$30,000</td>
<td>Due to financial constraints, only I&amp;D will be completed in FY20/21.</td>
</tr>
<tr>
<td>Kari Street Commons - stage 1 -</td>
<td>ABS: Capex - Growth</td>
<td>$238,984</td>
<td>$0</td>
<td>$0</td>
<td>Due to financial constraints, this project will be placed on hold and the budget deferred to FY23/24.</td>
</tr>
<tr>
<td>Lighting renewal</td>
<td>ABS Capex - Regional Renewal</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>Due to financial constraints, this project will be placed on hold and the budget deferred to FY22/23.</td>
</tr>
</tbody>
</table>