

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

**Date:** Tuesday, 9 April 2024  
**Time:** 10.00am  
**Meeting Room:** Room 1, Level 26  
**Venue:** 135 Albert Street  
Auckland

---

## **Komiti mō te Waeture me te Haumarū ā-Hapori / Regulatory and Community Safety Committee**

### **OPEN AGENDA**

---

#### **MEMBERSHIP**

<b>Chairperson</b>	Cr Josephine Bartley
<b>Deputy Chairperson</b>	Cr Ken Turner
<b>Members</b>	Hokura Member Edward Ashby Hokura Member Ngarimu Blair Cr Julie Fairey Cr Alf Filipaina, MNZM Cr Mike Lee Cr Kerrin Leoni Cr Sharon Stewart, QSM
<b>Ex-officio</b>	Mayor Wayne Brown Deputy Mayor Desley Simpson, JP

(Quorum 5 members)

**Phoebe Chiquet-Kaan**  
**Governance Advisor**

**3 April 2024**

Contact Telephone: 0274069656  
Email: [phoebe.chiquet-kaan@aucklandcouncil.govt.nz](mailto:phoebe.chiquet-kaan@aucklandcouncil.govt.nz)  
Website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)



<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
1	Ngā Tamōtanga   Apologies	5
2	Te Whakapuaki i te Whai Pānga   Declaration of Interest	5
3	Te Whakaū i ngā Āmiki   Confirmation of Minutes	5
4	Ngā Petihana   Petitions	5
5	Ngā Kōrero a te Marea   Public Input	5
6	Ngā Kōrero a te Poari ā-Rohe Pātata   Local Board Input	5
7	Ngā Pakihi Autaia   Extraordinary Business	5
8	Police priorities, activities, and issues across Tamaki Makaurau	7
9	Action on city centre safety - April update	9
10	Proposed steps to expedite licensing and compliance work	15
11	Public Safety and Nuisance By-Law Enforcement	21
12	Update on accountability for Local Crime Fund grants provided to Business Improvement Districts as of 31 December 2023	25
13	Decision to adopt dangerous dams policy	29
14	Appointment of an independent commissioner to consider submissions made under s.24 of the Reserves Act 1977	35
15	Resource Consents Appeals: Status Report 9 April 2024	39
16	Summary of Regulatory and Community Safety Committee information memoranda, workshops, and briefings (including the Forward Work Programme) - 9 April 2024	43
17	Te Whakaaro ki ngā Take Pūtea e Autaia ana   Consideration of Extraordinary Items	



**1 Ngā Tamōtanga | Apologies**

**2 Te Whakapuaki i te Whai Pānga | Declaration of Interest**

**3 Te Whakaū i ngā Āmiki | Confirmation of Minutes**

Click the meeting date below to access the minutes.

That the Regulatory and Community Safety Committee:

- a) whakaū / confirm the ordinary minutes of its meeting, held on [Tuesday, 5 March 2024](#), including the confidential section, as a true and correct record.

**4 Ngā Petihana | Petitions**

**5 Ngā Kōrero a te Marea | Public Input**

**6 Ngā Kōrero a te Poari ā-Rohe Pātata | Local Board Input**

**7 Ngā Pakihi Autaia | Extraordinary Business**



## Police priorities, activities, and issues across Tamaki Makaurau

File No.: CP2024/03146

Item 8

### Te take mō te pūrongo

#### Purpose of the report

1. To provide the committee with an overview of key Police priorities, activities, and issues across Tamaki Makaurau.

### Whakarāpopototanga matua

#### Executive summary

2. Police Superintendent Scott Gemmell will attend to present to the committee on Police priorities, activities, and issues across Tamaki Makaurau. Also attending along with Scott Gemmell will be Assistant Commissioner Sam Hoyle and Inspector Grant Tetzlaff.

### Ngā tūtohunga

#### Recommendation/s

That the Regulatory and Community Safety Committee:

- a) whakamihi / thank Police Superintendent Scott Gemmell, Assistant Commissioner Sam Hoyle, and Inspector Grant Tetzlaff for their attendance.

### Ngā tāpirihanga

#### Attachments

There are no attachments for this report.

### Ngā kaihaina

#### Signatories

Author	Phoebe Chiquet-Kaan - Governance Advisor
Authoriser	Craig Hobbs - Director Regulatory Services





## Action on city centre safety - April update

File No.: CP2024/03204

### Te take mō te pūrongo

#### Purpose of the report

1. To provide an update to the committee on the development of a City Centre Safety Plan and immediate investment now underway to address safety concerns.

### Whakarāpopototanga matua

#### Executive summary

2. One of the top priorities identified by internal and external stakeholders in the development of the City Centre Action Plan was to improve the experience of the people who live, work and visit the city centre, with addressing safety issues the first concern.
3. This priority has been reinforced by the Waitemātā Local Board via its 2023 plan, and by the City Centre Advisory Panel, the group set up to represent community, business, residential, social sector and tertiary education interests in the city centre.
4. Improving safety and increasing community confidence in the city centre is a complex issue that requires a multifaceted approach. Success relies on a number of different participants working together in partnership: local and central government agencies, the police, social sector, community groups, private sector organisations, city users and residents all play a part.
5. Auckland Council, together with its lead agency for the regeneration of the city centre Eke Panuku, has committed to work with this group to develop an integrated safety plan for the city centre.
6. Recognising the need for a rapid response, the first initiatives under this plan are now underway, part-funded by the Mayor's office, including:
7. Three pilot safety coordination hubs now open (part funded by MBIE) at Queens Wharf, High Street and Day Street, modelled on Heart of the City's Queens Wharf initiative.
  - A City Centre Safety Coordinator.
  - Community patrols volunteer recruitment drive resulting in 60 new recruits.
  - Expansion of council City Watch allowing active patrol of hotspots.
  - Together for Tāmaki Makaurau' high visibility exercise.
  - Community outreach investment.
  - Enhanced CCTV monitoring.
8. The city centre safety plan, including these initiatives and others proposed for the short and medium term is intended to come to the committee for endorsement at its June meeting following engagement with key partners, the Waitemātā Local Board and the City Centre Advisory Panel.

### Ngā tūtohunga

#### Recommendation/s

That the Regulatory and Community Safety Committee:

- a) whiwhi / receive the update.

## Horopaki Context

9. Since July 2022 the council group has been working more closely together to progress the City Centre Masterplan. An implementation pathway for this long-term, high-level document, was developed by city centre lead agency Eke Panuku last year along with council group colleagues. This 'City Centre Action Plan', was endorsed unanimously by the Waitemata Local Board last year followed by endorsement in principle (subject to LTP funding) by the Planning and Environment Committee.
10. One of the top priorities identified by stakeholders, internal and external, in the development of that plan was to improve the experience of the people who live, work and visit the city centre, with addressing safety issues the first concern. This has been reinforced by the City Centre Advisory Panel, the group set up to represent community, business, residential, social sector and tertiary education interests in the city centre.
11. The following provides an update on current actions and areas of focus in responding to a more coordinated and integrated approach to safety in the city centre.

## Tātaritanga me ngā tohutohu Analysis and advice

12. The City Centre Action Plan identified the need to establish a multi-agency approach and plan to set priorities and respond to issues of safety and anti-social behaviour. Through the work being led by council group safety sponsor Craig Hobbs, it was agreed that Eke Panuku and Auckland Council would work together with colleagues across the group and external partners to develop an integrated city centre safety plan which would underpin a more coordinated approach to dealing with safety and anti-social behaviour.
13. The objective of this plan is to provide coherence and community confidence around the collective work within the council group and our partners (i.e. central government, police, Ngati Whatua Orākei, Heart of the City, K'Rd Business Association) to:
  - promote a stronger joint agency approach to safety (anti-social behaviour) in the city centre with clear accountabilities, roles and funded actions.
  - provide greater confidence in the work that we are collectively doing.
  - enable more effective identification of gaps in the collective safety work programme, enabling these to be addressed and funded via a joint agency approach.

### Immediate priorities and actions

14. In tandem with this integrated planning work, immediate priorities have been identified and resourced, partly through direct funding from the Mayor's office. That includes:

#### Three pilot safety coordination hubs now open

15. Part funded by MBIE, these are now open at Queens Wharf, High Street and Day Street. as bases for patrolling teams to collaborate and coordinate. Operating hours vary between the sites and will expand as volunteer numbers grow.

#### A City Centre Safety Coordinator

16. This new role has been in place since December to support the recruitment and operation of volunteer community patrols. This role is being funded by the Mayor's office and enables coordination of the safety hubs and those who will use them; Community Patrols NZ, Māori, Pacific and community wardens, and ethnic patrol groups.

### Community patrols volunteer recruitment

17. The new coordinator role has already resulted in a successful community volunteer recruitment drive and a new sustainable recruitment partnership model for ongoing community patrols, working with the police and AUT. These two initiatives and the support of our partners in the city centre, including the City Centre Residents Group, has seen community patrol volunteer numbers increasing fivefold, to nearly 60. Training of these new recruits is now underway, led by the safety coordinator.

### Expansion of council City Watch allowing active patrol of hotspots

18. A trial expansion beginning last month of the council's City Watch team which sees the team increasing from 6 to 18 for an initial period of four months. This expansion follows the successful move last year to bring the City Watch team inhouse.
19. The expanded City Watch team is intended to cover larger areas of the city centre for longer hours as well actively patrolling known hotspots including Te Komititanga, Queens Wharf and Ellen Melville Place. This pilot will be reviewed before the end of the financial year and options are being considered for funding beyond this financial year, including potential use of the City Centre Targeted Rate.

### Together for Tāmaki Makaurau' high visibility exercise

20. A high visibility exercise: 'Together for Tāmaki Makaurau' was held in December, which saw the council group and its partners including the police, Māori Wardens, Community Patrols NZ, AT and others donning 'Together for Tāmaki Makaurau'-branded high visibility vests and participating in collaborative patrols and enhanced communication and data sharing over a period of four weeks.

### Community outreach investment

21. Increased investment to support the City Watch team in working with community outreach providers.

### Enhanced CCTV monitoring

22. Additional resource to support the council to partner with police and Auckland Transport in CCTV monitoring.

### The City Centre Safety Plan

23. Noting the multifaceted and inter-agency approach required, the council group's role will be that of facilitator, bringing together a joint agency response driving better coordination and accountability across all the various agencies who play a role in this complex space. This will provide a clear articulation of the responsibilities of council group as well as the critical work of our partners. To provide this coherence, the city centre safety plan will indicate:
  - who the lead and partners are for each initiative,
  - what the role of the council group is in each initiative (lead, partner or advocate),
  - when they will be delivered,
  - how any funding or resource gaps are being addressed.

24. As well as the immediate initiatives outlined above, the city centre safety plan is likely to encompass:
- How data will inform investment decisions.
  - Activity to improve community confidence including visibility, data and perceptions research.
  - Operating plans for the safety coordination hubs and various patrols working within the city centre (voluntary, council, BID and police).
  - Safety resources.
  - Education.
  - Infrastructure responses such as lighting upgrades.
  - Bylaw enforcement (with further information on the agenda for this meeting).
  - Recommended advocacy positions.
  - CPTED (crime prevention through environment design).
  - Community outreach.
  - Technology solutions.

### **Tauākī whakaaweawe āhuarangi Climate impact statement**

25. Climate impacts will be assessed through the development of the safety action plan and its initiatives.

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

26. Along with Auckland Council and Eke Panuku, Tātaki Auckland Unlimited and Auckland Transport play an important role in safety in the city centre and their input will be sought into the city centre safety plan.
27. Particular areas of influence and impact include council-owned venues and facilities, major events, the night-time economy research underway and the Destination Partnership Programme Advisory Group which represents the visitor economy in the city. AT's parking management team were involved with the Together for Tāmaki Makaurau initiative and their ongoing input is vital given the significant customer-facing, operational role the organisation plays in the city centre.

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

28. The city centre safety plan will be the subject of a workshop with both the Waitemātā Local Board and the City Centre Advisory Panel this month. Improving public safety and perceptions of safety is recognised by the local board as a key challenge for this term. The local board plan supports a larger regional response to this issue that collectively seeks to improve safety and wellbeing, and seeks to work with central government and community partners to support initiatives and programmes to respond to this (Waitemātā Local Board Plan 2023).
29. The safety plan was the subject of a March workshop with the Central City Taskforce for Community Safety, led by the community impact team and supported by Eke Panuku and the council's compliance lead.
30. Other key partners will be engaged in the development of this safety action plan prior to it coming back to the committee in June.

## Tauākī whakaaweawe Māori Māori impact statement

31. The City Centre Masterplan and the action plan recognise the importance of our partnership with Maori in and for the city centre. It is intended that the safety plan is developed from a foundational principle of manaakitanga - respect, generosity and care for people who live, work and visit this place. While taking a city centre 'lens' it will recognise the important roles and relationships between people (tangata), whenua (land) and hāpore (community).

## Ngā ritenga ā-pūtea Financial implications

32. The city centre safety plan will indicate funding status of initiatives. No additional requests for funding are being made at this time.
33. It is noted that funding from the Mayoral safety budget is only available in the current financial year. The funding requirements for extending these initiatives into the next financial year will be assessed by staff over the next 3 months, including the identification of potential funding sources.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

34. It is clear from our partners and stakeholders that safety issues continue to impact perceptions of the city centre. While the council does not and should not hold all the levers on this issue, due to a perceived lack of leadership in this space the council group is stepping up to coordinate a response. This does open the council group up to additional scrutiny. It will be important for the council group to recognise where it is leading, partnering or advocating.
35. The current extremely constrained funding environment and organisational change proposals may impact on the ability to resource and coordinate the city centre safety plan.
36. There are many organisations who play a critical role in safety in the city centre and it is important for all that expertise and mahi to be recognised and input sought, to avoid alienating important partners. This needs to be balanced at times with the need to be responsive and timely. The council's Regulatory and Community Safety Committee provides a clear governance pathway for the council group to continue to make positive progress and it's intended that key partners be invited when safety is on the agenda for discussion.

## Ngā koringa ā-muri Next steps

37. The City Centre Safety Plan will come back to the committee for endorsement at the June meeting.

## Ngā tāpirihanga Attachments

There are no attachments for this report.

## Ngā kaihaina Signatories

Author	Simon Oddie - Priority Location Director - City Centre Lead Agency
Authorisers	David Rankin - Chief Executive - Eke Panuku Craig Hobbs - Director Regulatory Services



## Proposed steps to expedite licensing and compliance work

File No.: CP2024/02962

Item 10

### Te take mō te pūrongo

#### Purpose of the report

1. To advise on steps being taken to decrease the time between a breach or alleged breach of the rules council enforces and the sanction or other outcome.

### Whakarāpopototanga matua

#### Executive summary

2. Decreasing the time between a breach or alleged breach of the rules council enforces, and the sanction or other outcome will provide certainty for those breaking the rules, give greater confidence to complainants that council is working efficiently, and free up staff time currently used in dealing with escalated issues.
3. The Licensing and Regulatory Compliance Department is developing a programme to achieve that outcome.
4. There are four broad areas that are being focused on:
  - a. Process / operations - understanding the technical areas where improvement is possible.
  - b. Culture – working with our teams to restate and clarify our purpose to overcome a reluctance to take firmer steps.
  - c. Training – providing both formal and informal training so that our teams are equipped to put the process / operational changes into effect.
  - d. Communications – once the tangible impacts of changes to process / operations are understood, the types of communications that might be required will be identified.

### Ngā tūtohunga

#### Recommendation/s

That the Regulatory and Community Safety Committee:

- a) whiwhi / receive the report.

### Horopaki

#### Context

#### Problem and desired outcome

5. Over time and from sources, including escalated complaints and feedback from customer surveys, a clear theme has emerged that there is a perception council takes too long to resolve issues. In part, that reflects the statutory tools we work with but there are other matters which are within our control.
6. The quicker we can move issues to a conclusion, the better will be the perception of the effectiveness of council and, it is anticipated, with fewer escalated complaints there will be a freeing up of staff time. A “conclusion” might be imposing a sanction such as an infringement notice or communicating that there is nothing more council is able to do in a particular situation.

7. When we expedite our compliance work, we will see all parties involved in a matter promptly communicated with and given a clear articulation of council's position. Where time is required for works to be undertaken or other steps implemented, the shortest possible, but fair time, will be agreed and given without rolling extensions. Where more punitive measures, such as the issuing of infringement notices or court actions, are required, they will be implemented at the earliest opportunity.
8. As a result, an individual staff member's work packet will be kept under better control with fewer matters with a "long tail", the time between "cause and effect" will be reduced, and the public perception of council will be improved.

## Tātaritanga me ngā tohutohu Analysis and advice

9. The Licensing and Regulatory Compliance Department is responsible for exercising many of council's coercive powers including issuing infringement notices and undertaking prosecutions. The areas covered by the Department include alcohol and food licensing, noise control, animal management and breaches of the Resource Management and Building Acts and council bylaws.
10. Many issues are brought to council's attention through complaints from members of the public. Others arise through routine inspections undertaken by team members.
11. The Department gathers information from a range of different sources and it is clear that a key cause for dissatisfaction among people the Department interacts with is delay in resolving issues.
12. Some of the delay is a result of the powers available to council. For example, issuing an infringement notice may not achieve a change on the ground being sought by a complainant.
13. Senior team members from across the different portfolios managed by the Department are working together to develop a programme to achieve more efficient and effective compliance for the benefit of those impacted. The programme will also ensure a consistent approach across all portfolios.
14. There are four areas of focus set out below.

## Process / operations

15. While people in the Department might be aware of the desired direction, there is also a need to look at our processes and procedures.
16. Senior team members have agreed that the following areas should be the focus:
  - a. Implementation of quality management (QM) and continuous improvement systems (CI)
    - i. Process mapping
    - ii. On-boarding
    - iii. Peer reviews
    - iv. Training
    - v. Continuous improvement.
  - b. Updating the existing graduated response model in council's Compliance Policy.
  - c. Adopting clearer and more stringent Productivity / Key Performance Indicators (KPIs).
17. The QM and CI approach has yielded dividends in the food licensing space which has been using this approach for many years. Since the food and alcohol teams have been merged and a greater focus has been given to QM and CI by the alcohol team, improvements have been seen there as well. The alcohol and food licensing teams regularly achieve high levels of positive feedback from surveys of customers (85%+)



18. It is important to note that, while QM and CI are not as advanced in the other Licensing and Regulatory Compliance units, we are not starting from a zero base as all units have policies and procedures in place.
19. In terms of the Compliance Policy which outlines a graduated response to resolving issues, this already has sufficient flexibility to expedite compliance work. However, amendments to it will make our change in approach more explicit. It was adopted on 24 July 2019 and so a review is timely. Once a review is complete, the amended Policy will be brought back to this committee and once adopted, will be communicated more broadly.
20. A key feature of the Policy is a graduated approach to enforcement where “education” takes place first through informal and formal “warnings” before more stringent steps are taken. Depending on the legislation they could include abatement notices, infringement notices or prosecution.
21. In the Policy, infringement notices are treated as being at the more stringent end of enforcement. However, when they are considered in the context of the legislation, they are designed to be the quick response to breaches akin to a parking or speeding ticket. Viewing them in that light will likely be a key change to the Policy. It will also inform a change in culture discussed in a following section.

## Cultural

22. There are several possible cultural elements which need to be overcome to expedite compliance and enforcement work. Some of these elements can feed into delays in responding. They include the following:
  - a. **Understanding of customer service** – while team members generally want to deliver good customer service, what is meant by good customer service in the context of compliance and enforcement work needs to be reset. In particular, reaching a balanced view of the customer as complainant and the customer as the alleged rule-breaker. One manifestation of this is the tendency to be lenient or to give extended timeframes to achieve compliance. This, in turn can create delays in responding or the creation of the impression that council is doing “nothing”, especially for complainants.
  - b. **Conflict avoidance** – some members of the Department are not confident in dealing with conflict situations which, again, can lead to delays or to endless rounds of email tag neither of which assist in a speedy resolution of issues.
  - c. **Once over lightly** – this might be slightly unfair, but through matters which are escalated, it is sometimes the case that team members have not undertaken an in-depth critical analysis of an issue or have not considered the issue in a broader context.
  - d. **Fear of getting it wrong or of being criticised** – this is the opposite of the above and can lead to lengthy investigation or analysis before a course of action is determined.
  - e. **Bureaucratic capture** – this can be characterised as blind adherence to council’s rules and policies without considering why something is done a particular way.
23. There are undoubtedly other cultural elements which are at play. Some of these may be able to be overcome by training, others are a leadership challenge.

## Training

24. There is a clear interdependence between the above two areas of focus and the training requirements of the team.
25. Some of the training required will be operational and fall out of the work to improve processes and operations.
26. Other training will involve working with teams to help provide standard “scripts” for responding to common issues and thereby give confidence to team members.
27. There is also training already available to council staff which needs to be selected and possibly tailored to meet the outcomes required.

## Communications

28. As work progresses, there will be time when communication will be necessary both internally and externally.
29. As mentioned, this committee will be asked to consider substantive changes to council's Compliance Policy.
30. The changes being proposed are more ones of approach by members of the Licensing and Regulatory Compliance Department. They will not represent a complete change in approach. However, some people affected by the portfolios dealt with by the Department will experience a change and targeted communication will be undertaken.

## Tauākī whakaaweawe āhuarangi Climate impact statement

31. This is a report about proposed steps to expedite compliance work and there is no identifiable impact on the climate.

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

32. This is a report about proposed steps to expedite compliance work and there are no council group impacts at this time, so views have not been sought.

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

33. This is a report about proposed steps to expedite compliance work and there are no local board impacts at this time, so views have not been sought.

## Tauākī whakaaweawe Māori Māori impact statement guidance

34. This is a report about proposed steps to expedite compliance work and there is no specific impact on Māori.

## Ngā ritenga ā-pūtea Financial implications

35. This is a report about proposed steps to expedite compliance work and there are no financial impacts at this time.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

36. While this item is for information only and describes the direction the Department is taking, there is always the risk that a particular approach will be perceived as being less than even handed. The Department is aware of this and will be factoring it into its work.

## Ngā koringa ā-muri Next steps

37. Senior members of the Licensing and Compliance Department will continue to develop and implement a programme to expedite the work undertaken by the Department.

## Ngā tāpirihanga Attachments

There are no attachments for this report.

## Ngā kaihaina Signatories

Author	James Hassall - General Manager, Licensing and Regulatory Compliance
Authoriser	Craig Hobbs - Director Regulatory Services



## Public Safety and Nuisance By-Law Enforcement

File No.: CP2024/03073

### Te take mō te pūrongo Purpose of the report

1. To advise the Regulatory and Community Safety Committee of a proposed review of the enforcement of the Public Safety and Nuisance Bylaw 2013 (PSN Bylaw) in the central city and whether that approach could be enhanced to address ongoing concerns with city centre safety and nuisance.

### Whakarāpopototanga matua Executive summary

2. Over the last 12 months there have been increased concerns from business and community groups about the level of crime and general nuisance across the central city. Whilst crime analysis shows this has been static in recent months, there is still a perception that the level of crime, antisocial behaviour and nuisance is continuing to impact on businesses, residents and visitors to the city.
3. The primary area of concern seems to be directed towards street whanau and their collective presence and activities within the central city. This is despite the number of known homeless being at a relatively low level (estimated 25-30 individuals).
4. There is a general perception amongst some groups that Council does not enforce the bylaw and that general nuisance issues occur unchecked. Increasingly, there have been several calls for amendments to the current bylaw to impose further restrictions and strengthen enforcement.
5. The primary bylaw for dealing with nuisance is the Public Safety and Nuisance Bylaw 2013. This was reviewed and updated in January 2021 and is not due for review again until 2031.
6. The purpose of the bylaw as set out in Part 1 is to:
  - a. *protect the public from nuisance, promote and maintain public safety and minimise the potential for offensive behaviour in public places; and*
  - b. *manage and protect from damage or misuse land, structures, property and assets owned, managed or under the control of the council.*
7. While nuisance appears in the title, the definition initially refers to the Health Act, which has little relevance to the type of nuisance experienced in a busy central city area.

It then goes on to say:

*and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.*

The bylaw does not have a general nuisance clause as outlined in the purpose above, but does include:

*Bad behaviours prohibited in public places.*

*A person must not use a public place to wilfully obstruct, disturb, interfere with, alarm, distress, intimidate or harm any other person in their use or enjoyment of that public place.*

8. Previously, council has taken court action against individuals who have wilfully obstructed a person in a public place. In that case, video evidence was obtained showing an individual repeatedly obstructing passersby whilst begging. In some instances, people were forced into the road corridor to avoid the individual.

9. This case was later dismissed on the basis that the people who were obstructed, were not present in court to give evidence. Council's compliance officers produced statements and exhibited closed circuit television footage. The individual was not considered to have caused a nuisance despite council producing photographic evidence of obstruction on a regular basis.
10. The above case may have been proven had we produced the people who were obstructed. In most cases the obstruction caused by our street whanau is of a passive nature i.e., sitting or lying on the footpath. Whilst this appears to be a nuisance and potentially wilful, it would not meet the definition which has precedence set in case law:
  - a. The stated case where the question of wilful obstruction of the footpath was examined followed an appeal to the High Court. The judge in that case said, "normal passage" doesn't mean that other people must have complete and unrestricted access to the whole width of the footpath. So, if people could easily walk around the man and his signs without delaying their progress, then what he was doing wasn't unreasonable and he wasn't guilty.
  - b. It must be pointed out that the above case involved a Summary Offences Act breach in relation to Obstructing Public Way, which includes the footpath and was brought by Police. Wilful obstruction under the PSN Bylaw is not defined. [Stanton v Police \[2012\] NZHC 3223 \(30 November 2012\) \(nzlii.org\)](#)

## Ngā tūtohunga Recommendation/s

That the Regulatory and Community Safety Committee:

- a) whiwhi / receive this proposed review of the Public Safety and Nuisance Bylaw enforcement.

## Horopaki Context

11. The current approach to enforcement under the PSN Bylaw tends to be advisory and focuses primarily on warnings and persuasion. Whilst sitting in the middle of the footpath or having your legs outstretched whilst sitting against a wall begging, may not meet the definition of wilful obstruction, compliance staff do engage with individuals and request they stop such behaviour. In the vast majority of cases, the individuals comply. The failure to comply often leads to the person being left where they are, reinforcing the perception of a lack of enforcement.
12. Obstruction is the primary concern of business groups and residents in the central city, but verbal abuse and intimidation are sometimes complained about. Invariably this is after the fact and with no identified offender. This proves difficult to enforce or take any action and again contributes to the perception of a lack of action.
13. With the current approach to enforcement relying on verbal advice and warnings, notices rarely get issued in relation on PSN Bylaw breaches. Mostly due to no offence having been established in terms of proving an offence.
14. Whilst compliance officers and CityWatch Wardens respond to complaints, primarily their work is proactive and preventative. A potential for increased compliance would involve the issuing of bylaw notices for all aspects of offending, including wilful obstruction, disturbance, interference with, causing alarm, distress, intimidation or harm to any other person in their use or enjoyment of that public place. These would be in line with specific clauses in the bylaw.

15. Most of these breaches would require a follow up to be made with the person reporting the breach to obtain further information / evidence. This could be done through a follow up phone call or conversation on the street to establish facts. Many cases may be regarded as minor, but the recording of incidents against an identified individual may help support a prosecution where persistent behaviour would justify escalated enforcement. The gathering of complainants' details may also assist where witness testimony is required for any potential prosecutions for persistent offenders.
16. In addition, the issuing of a bylaw notice would demonstrate to street whanau and any other individuals, that there is less tolerance for poor behaviour. Potentially this may have a deterrent effect. It would also empower victims who may perceive our previous lack of action as an unwillingness to take enforcement.
17. As well as testing the boundaries of the bylaw, accurate statistics could be obtained to show the extent of the perceived problem and whether any tightening of the bylaw is actually required.

## **Tātaritanga me ngā tohutohu**

### **Analysis and advice**

18. Legal advice will be obtained prior to any escalated enforcement to ensure we have sufficient evidence to prove the elements of the offence.
19. Statistics will be collated showing the breakdown of the types of offending and identifying any gaps in the current bylaw or supporting legislation i.e., Local Government Act.

## **Tauākī whakaaweawe āhuarangi**

### **Climate impact statement**

20. This report relates to enforcement of existing bylaws and has no climate impact.

## **Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

### **Council group impacts and views**

21. Eke Panuku have been working alongside Regulatory Services to address City Centre Safety and support the change in approach.
22. As part of the development of the Central City Safety Plan, Connected Communities have provided input from a Community Partnerships perspective. This will assist in any alignment with support agencies such as outreach services.

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

### **Local impacts and local board views**

23. This new approach will primarily affect the Waitemata Local Board area with the focus being on the central city, which is where CityWatch Compliance Officers are based. Prior to the change of approach being implemented. The board will be advised of the change with regards to enforcement.

## **Tauākī whakaaweawe Māori**

### **Māori impact statement**

24. We are acutely aware that within the street whanau community, Māori are overrepresented in the central city. Care will be taken to ensure support is given where possible through iwi support groups and outreach providers.
25. Māori wardens are very much part of the security providers within the central city and work alongside council staff, Community Patrols New Zealand (CPNZ) and Police in the 'Together for Tāmaki Makaurau' initiative. Where necessary, their guidance and assistance will be sought in gaining compliance.

## Ngā ritenga ā-pūtea Financial implications

26. There are no financial implications with this approach. Existing resources will be utilised along with funding already allocated through the Mayor's Office from the Public Safety and Nuisance Fund.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

27. There are potential risks for council if the above approach is seen to penalise less fortunate members of society, in particular our street whanau. Conversely it may be seen as aimed at achieving strict adherence to the bylaw and a zero-tolerance approach.
28. Outreach groups such as Auckland City Mission and Lifewise, who council rely on to give outreach services, may also perceive the change in approach is targeted at 'street whanau' and other vulnerable groups affected by drug and alcohol addiction and / or mental illness.

### Mitigation

29. A previous change in enforcement around 10 years ago saw similar concern from support groups and politicians. Assurances were given that only the most persistent offenders would be prosecuted and that diversion through the New Beginnings court would be sought <https://www.districtcourts.govt.nz/criminal-court/criminal-jurisdiction/specialist-criminal-courts/new-beginnings-court/>. Only a handful of recidivist offenders were prosecuted with some notable success in diverting individuals into support services. A similar approach will be adopted to ensure any ongoing intervention with individuals is not disrupted prior to escalated enforcement.
30. Existing processes for referral to outreach groups will be adopted throughout. Support groups will be asked to provide feedback and advise of any perceived overzealous enforcement, which will be fully investigated and addressed.

## Ngā koringa ā-muri Next steps

31. The introduction of increased enforcement will be relatively simple to introduce with guidelines and training being given to patrolling staff and compliance teams. This will be supported by focused gathering of evidence to support prosecutions of persistent offenders where required.
32. The Public Safety and Nuisance Funding will see increased patrolling activity in the central city. This was recently launched and will run for the next three months. The new approach will be adopted through this initiative and the information gained will help identify repeat offenders. The data will also help to inform any proposed change of the bylaw itself or whether there is a need to pursue a change.

## Ngā tāpirihanga Attachments

There are no attachments for this report.

## Ngā kaihaina Signatories

Author	Adrian Wilson – Manager Compliance
Authorisers	James Hassall - General Manager, Licensing and Regulatory Compliance Craig Hobbs - Director Regulatory Services



## Update on accountability for Local Crime Fund grants provided to Business Improvement Districts as of 31 December 2023

File No.: CP2024/02925

Item 12

### Te take mō te pūrongo Purpose of the report

1. To provide accountability information to the Regulatory and Community Safety Committee relating to \$1 million of crime prevention funding provided to Business Improvement Districts (BID) operating business associations in the 2023/2024 financial year.

### Whakarāpopototanga matua Executive summary

2. \$1 million of Local Crime Fund grants to Business Improvement Districts (BIDs) for the year 2023/2024 have been allocated.
3. Funding agreements for the grants required interim reporting on progress of spend by 31 December 2023. Final reporting is due 30 June 2024.
4. This report updates the Regulatory and Community Safety Committee of interim reporting received, spend of Local Crime Funds to 30 December 2023 and types of spend.
5. 48 of the 51 BIDs that received the funding completed interim reporting requirements. Information provided demonstrated a 93% spend (or commitment to spend) of funds against initiatives such as security (including patrols, CCTV's & CCTV signage), improved lighting or placemaking work (including bollards).

### Ngā tūtohunga Recommendation/s

That the Regulatory and Community Safety Committee:

- a) whiwhi / receive the report Update on Local Crime Fund accountability as of 31 December 2023 – Business Improvement Districts.

### Horopaki Context

6. Through the Ministry of Social Development, the Government allocated \$2 million from the Proceeds of Crime Fund to invest in community safety initiatives in Auckland.
7. At the Regulatory and Safety Committee of 30 May 2023 it was resolved (RSCCC/2023/24) that:
  - \$1 million of the funds be distributed to local boards for activities focused on Crime Prevention through Environmental Design (CPTED) and/or youth offending aimed at street level crime prevention.
  - \$1 million of the funds be distributed to BIDs for crime prevention activities.

8. This agenda item applies only to the \$1 million of funding distributed to BID operating business associations.
9. Local boards are responsibility for accountability for the funds they have distributed.

### Allocation of funding to BID operating business associations (BIDs)

10. The amount of funds each BID received was calculated using the BIDs AGM approved income and expenditure budget for crime prevention over a three-year period (2021/2022 & 2022/2023) including the proposed budget allocation for 2023/2024 financial year.
11. These funds were to be used for projects and activities in addition to their crime prevention budget allocation set out in their approved 2023/2024 income and expenditure BID budget.
12. The funding agreement identified that funding provided was to be used for CPTED or active prevention activities, including:
  - Territoriality and access: patrols / wardens / ambassadors / CCTV / bollards / lighting.
  - Beautification and activities: parks / planters / look and feel / use of space.
  - Connectivity: safe physical design connections / wayfinding / bollards.
  - Any physical works that contribute to a reduction in retail crime or improved safety for retailers.
13. The terms of this funding required that:
  - Funding was not to be used for meeting costs or supporting programmes.
  - Any funding not spent by 30 June 2024 needed to be returned to Auckland Council.
  - The funding was to be used in addition to projects / activities already approved by members (as per the associations 2023 / 2024 budget, approved at the 2022 AGMs).
  - Interim reporting on spend was due 31 December 2023 and final reporting, including evidence of spend, is due 30 June 2024.
14. Funding agreements were sent to each BID, for signing and returned, payment of the funds was distributed on 29 June 2023.
15. Each funding agreement used to distribute the funds to BIDs required that:
  - Interim reporting identifying how funding was spent, or would be spent by 30 June 2024, be completed as of 31 December 2023.
  - Funding only be utilised on a range of crime prevention activities identified in the funding agreement.
16. As of 31 December 2023, funding has been spent on a range of crime prevention projects, services, and activities (attachment A).

## Tātaritanga me ngā tohutohu Analysis and advice

17. This memorandum relates only to the \$1 million of funding provided to the 51 BIDs. Information provided has come from interim reporting which covered spend (up to 31 December 2023) and spend commitments between 1 January to 30 June 2024.

### Interim summary of BID reports

18. The following summary of information has been gathered from the interim reports provided by each BID as of 31 December 2023.
  - 94% (48 out of 51) BIDs have completed the required interim reporting.
  - All BIDs received appropriate reminders that interim reporting was required to 31 December 2023. Interim accountability reporting was also a condition of the Funding Agreement they had signed.
  - An Interim report was not received from one BID (value \$2,000). Discussions are continuing with two BIDs who have provided reports that required further investigation (\$2,000 + \$8,350).
19. From the reports received:
  - Approximately \$930,000 (93%) of the crime prevention funding had been spent or committed by 31 December 2023.
  - Six BIDs (approximately \$70K of funding) was due to be spent between 1 January and 30 June 2024.
  - No BID has indicated that they will be unable to spend their crime prevention funding.
20. The focus of the funding spend is on:
  - CCTV's & CCTV signage
  - Lighting
  - Security
  - Placemaking (including bollards, murals)
  - Other (for example, body cameras, planter boxes, crime prevention ambassador)

### Tauākī whakaaweawe āhuarangi Climate impact statement

21. Not applicable.

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

22. \$1 million of Local Crime Funds was also allocated to Local boards at the May 2023 committee meeting.
23. The focus of the local board funds is to be on Crime Prevention through CYPED initiatives and / or youth offending aimed at street level crime prevention.

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

24. \$1 million of Local Crime Funds was also allocated to Local boards at the May 2023 committee meeting.
25. The focus of the local board funds is to be on Crime Prevention through CYPED initiatives and / or youth offending aimed at street level crime prevention.

## Tauākī whakaaweawe Māori Māori impact statement

26. Individual Local Crime Fund projects undertaken by BID operating business associations may include Māori business or property owners. We are unaware of any specific initiative using the funds which is focused specifically on Māori.

## Ngā ritenga ā-pūtea Financial implications

27. No financial implications for Auckland Council as funding was provided by Central Government.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

28. There are no financial implications for Auckland Council relating to the \$1 million of funding provided to BID operating business associations, or their accountability for use of the funds. The funding was provided by central government for distribution to local Auckland business communities.

## Ngā koringa ā-muri Next steps

29. BIDs will continue to complete the obligations set in the funding agreements through to 30 June 2024.
30. A final report on the funding provided to BIDs for activities from the \$1 million of crime prevention funding allocated will be provided to the September 2024 Regulatory and Community.

## Ngā tāpirihanga Attachments

No.	Title	Page
A⇒	BID Local Crime Fund allocation (\$) and area of spend.	

## Ngā kaihaina Signatories

Author	Gill Plume - BID Senior Advisor
Authorisers	Alastair Cameron - Manager - CCO Governance & External Partnerships Craig Hobbs - Director Regulatory Services

## Decision to adopt dangerous dams policy

File No.: CP2023/19122

### Te take mō te pūrongo

#### Purpose of the report

1. To adopt the Dangerous Dams, Earthquake-prone Dams and Flood-prone dams ('Dangerous Dams') policy (Attachment A).

### Whakarāpopototanga matua

#### Executive summary

2. The Building Act requires a regional authority to develop a dangerous dam, earthquake prone dams, and flood-prone dams policy within their region. The purpose of the policy is to help prevent the catastrophic failure of a potentially dangerous dam, and to ensure deficiencies in an earthquake-prone or flood-prone dam are addressed. Auckland Council developed its proposed Dangerous dams policy, which is due to come into effect on 13 May 2024
3. As part of the development of the Dam Safety policy, Auckland Council consulted the public on its proposed priorities when performing its legislative functions in relation to dangerous, earthquake-prone, or flood-prone dams. The consultation period for the proposed Dam Safety policy ran from 25 October to 07 December 2023.
4. In total, the council received 65 valid submissions. A summary of the feedback from 65 submissions (58 individuals; 7 organisations) is provided in Attachment C.
5. Submissions were generally supportive of the dangerous dams policy. Out of the 65 submissions, 51 were in support of the dangerous dams policy (47 individuals; 4 organisations)
6. Following Auckland Council's consultation, the Ministry of Business, Innovation and Employment (MBIE) gathered feedback through a targeted consultation in early February 2024 on potential changes to the height and volume thresholds at which dams must be classified, under the Building (Dam Safety) Regulations 2022.
7. Feedback through Auckland Council's consultation on its proposed Dangerous Dams policy was considered by staff and necessary changes made to the relevant sections of the policy.
8. The Government has announced its decision to amend the definition of a 'classifiable dam' in regulation 5 of the Building (Dam Safety) Regulations 2022.
9. The Government has decided that the 13 May 2024 commencement date will remain as it is.
10. Dams are now 'classifiable' if they are 4 or more metres in height and store 20,000 or more cubic metres volume of water, or other fluid.
11. Changes were made to the 'classifiable dam' definition in the policy to align with the amendment in the regulations.

### Ngā tūtohunga

#### Recommendation/s

That the Regulatory and Community Safety Committee:

- a) whai / adopt the Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams policy (Attachment A of the agenda report).
- b) whakarite / provide this report and its attachments to the local boards.

## Horopaki Context

12. Section 161 of the Building Act 2004 requires a regional authority to develop a Dangerous Dams, Earthquake-prone Dams, and Flood-prone Dams policy within their region. The policy must be reviewed within five years and at intervals of not more than five years.
13. The policy aims to prevent the catastrophic failure of potentially Dangerous Dams and ensure any deficiencies in Earthquake-prone or Flood-prone Dams are addressed.
14. The policy states Auckland Council's approach for fulfilling and prioritising its functions around these types of dams. The policy also states how it will be applied to heritage dams.
15. The policy must come into effect by 13 May 2024 to meet the requirements of the Building (Dam Safety) Regulations 2022 and the Building Act 2004.
16. It is not seen that the policy has any direct implications for the Long-Term Plan.

## Tātaritanga me ngā tohutohu Analysis and advice

### Overall submissions

17. The total number of valid submissions received was 65, with 58 of these comprising submissions made by individuals, and 7 submissions on behalf of organisations.
18. 19. Out of the 65 submissions received, 47 individual submissions (81%) were in support of the Dangerous Dams policy and 4 organisations supported the policy.

### Feedback

19. Feedback from the public, Māori, Local Boards, and other stakeholder groups on the proposed Dangerous Dams policy has been summarised as follows:

#### Support:

- Support for a strong focus on balancing the benefits with dam safety and cost to comply.
- A proactive dam safety management regime means reduced environmental impact caused by dam related damage on cultural sites, fisheries, lands, and waterways.
- Concerns were raised about unsafe dams and additional costs on farmers because of the new dam safety requirements.
- Agreement with the policy with an emphasis on potential risk to life, property, and environment.

#### Do not support:

- Prefer that the policy prioritises the immediate dangers and threats to life than cultural losses.
  - Current consent process and engineering assessments should be improved first instead of additional regulations.
  - Additional compliance costs for dam owners.
20. Feedback from specific stakeholders is outlined below.

### Feedback from the Rural Advisory Panel

21. Staff in attendance at the Rural advisory panel meeting on 09 February 2024 sought feedback on the proposed Dangerous Dams policy by 26 February 2024.
22. One written submission was received from the panel. The submitter suggested to pause the development of the policy awaiting new Government's lead on regulatory matters.
23. The submitter raised concerns that even the smallest of farm dams will need an initial assessment to determine if they meet the height and volume requirements of the Regulations.
24. The submitter suggested to exclude from the policy small farm dams that historically pose no threat.

### Feedback from Māori

25. The council received two submissions from Māori entities (one mana whenua entity and one marae) with both submissions in support of the proposed Dangerous Dams policy.
26. The feedback from the two Māori entities on the dam safety regulations and Dangerous Dams policy highlighted:
  - The adverse effects dam failure can have upon waahi tapu (sacred sites) and taonga, fisheries and mahinga kai (food gathering sites), iwi lands, traditional repo (swamps and marshes), marae and papakāinga, the mana and mauri (life force) of natural waterways, soil deposits and on all living organisms downstream.
  - The need to regularly monitor the safety of dams and report risks to council by dam owners.
  - The registration of all dams to identify potential risks associated with dam failure.

### Local board feedback

27. Six local boards - Franklin, Hibiscus and Bays, Kaipatiki, Otara - Papatoetoe, Papakura and Rodney local boards provided feedback.

### Other submissions

28. Both the Healthy Waters and Resilient Land & Coasts departments of Auckland Council provided submissions through the consultation process. These have been excluded from the official submissions total and recorded as expert advice.

### Response to feedback

29. Submitters did not identify any new significant issues that had not already been considered in the drafting of the proposed Dangerous Dams policy.
30. Staff made modifications to the definition of a classifiable dam in the policy after the Government announced its decision to amend the classifiable dam thresholds in regulation 5 of the Building (Dam Safety) Regulations 2022.
31. The implementation date of the policy aligns with the new regulations coming into force on 13 May 2024.
32. Staff expert advice for refinement of wordings in the proposed policy have been considered and edited the relevant sections of proposed Dangerous Dams policy. (Attachment B)
33. Staff have analysed all feedback and incorporated changes to the proposed policy where relevant. (Attachment B)

## **Tauākī whakaaweawe āhuarangi** **Climate impact statement**

34. The Dangerous Dams policy and the dam register will help identify and mitigate any climate change impact on dangerous, earthquake-prone and flood-prone dams.

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

35. The implementation of the Dangerous Dams policy will incur additional costs for the Auckland Council group dam owners including Healthy Waters and Watercare Services Ltd. in order to comply with the new dam safety regulations.

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

36. Most of the dams to which the policy applies are in Waitakere, Rodney, and Franklin local board areas.
37. Six local boards gave feedback on the proposed Dangerous Dams policy - Franklin, Hibiscus and Bays, Kaipatiki, Otara - Papatoetoe, Papakura and Rodney local boards provided feedback.
38. Two local boards provided feedback to consider the unintended consequences of compliance costs and practicality for farmers in submitting a low potential impact classification (PIC) for audit to a Recognised Engineer and associated costs.
39. Two local boards provided feedback that staff develop practical guidance materials for dam owners to assist understanding requirements for the effective implementation of the policy.

## **Tauākī whakaaweawe Māori** **Māori impact statement**

40. The feedback from Māori aligns with the Auckland Council Group's strategic priorities identified in Kia Ora Tāmaki Makaurau Framework outcomes as follows:
- Kia Ora te Taiao (kaitiakitanga): the impact of dam failure on the surrounding environment and all living things including whenua, awa, taonga species and cultural practices including food gathering (mahinga kai).
  - Kia Ora te Marae (marae development): the impact of dam failure on marae, particularly rural marae.
  - Kia Ora te Whānau (whānau and tamariki wellbeing): the impact of dam failure on all living things including whānau and hapū downstream of dams.
  - Kia Ora te Kāinga (papakāinga and Māori housing): the impact of dam failure on papakāinga and Māori housing developments which are often located with or near marae.
41. The Dangerous Dams policy seeks to identify and mitigate risk to whānau Māori, marae and papakāinga, and te Taiao by requiring large dam owners to register their dams with council, identify risks with new and existing large dams and develop risk management plans to limit dam failure events and the adverse impacts of these events.
35. The Dangerous Dams policy addresses feedback from Māori entities by acknowledging the risk to environment and living things downstream and creating and maintaining a dam register having information on of all notified dangerous, earthquake-prone, and flood-prone dams.



## Ngā ritenga ā-pūtea Financial implications

42. Implementation of the Dangerous Dams policy and administration of the dam safety regulations will incur costs associated with establishing and maintaining a dam register and staffing costs associated with certification approvals and compliance monitoring.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

43. A policy on Dangerous Dams is required under s161 of the Building Act 2004. If a policy is not adopted the council will be in breach of the statutory requirements.
44. The proposed Dangerous Dams policy fulfils the council's statutory responsibilities in relation to Dangerous, Earthquake-prone, and Flood-prone Dams under the Building Act 2004.
45. The purpose of the proposed Dangerous Dams policy is to understand, categorise and mitigate the potential risk of Dangerous Dams, Earthquake-prone Dams, and Flood-prone Dams across Tāmaki Makaurau. In doing so, the risk to the environment, people and places of significance in the event of a dam failure is expected to be reduced.

## Ngā koringa ā-muri Next steps

46. The Dangerous Dams policy will be effective from 13 May 2024.
47. The adopted Dangerous Dams policy including this report and attachments will be shared with Local Boards.
48. Communications on the adoption of the Dangerous Dams policy will be shared on the Auckland Council website, with notification sent to submitters. A copy of the Dangerous Dams policy will be sent to the CE of MBIE (Ministry of Business, Innovation & Employment) in accordance with s162(3) of the Building Act 2004.

## Ngā tāpirihanga Attachments

No.	Title	Page
A⇒	Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams policy	
B⇒	Tracked Changes- Dangerous Dams, Earthquake-prone and Flood-prone Dams policy (currently in word version)	
C⇒	Dangerous Dams policy summary of feedback and staff recommendation	

## Ngā kaihaina Signatories

Author	Denise Whelan - Business Development Advisor
Authorisers	Ashley Walker - Māori Outcomes Lead- Regulatory Services Ian McCormick - Manager Building Control Craig Hobbs - Director Regulatory Services



## Appointment of an independent commissioner to consider submissions made under s.24 of the Reserves Act 1977

File No.: CP2023/17944

Item 14

### Te take mō te pūrongo

#### Purpose of the report

1. To request that the Regulatory and Community Safety Committee appoint an independent commissioner to consider submissions received regarding Auckland Council's proposal to revoke the reserve status (under s24 Reserves Act 1977) of 2R Tī Rākau Drive, Pakūranga.

### Whakarāpopototanga matua

#### Executive summary

2. The subject property at 2R Tī Rākau Drive, Pakūranga is a reserve subject to the Reserves Act 1977, that is predominantly used for carparking. The property's details are in Attachment A.
3. The Finance and Performance Committee approved the property for disposal on 19 May 2022 (FIN/2022/25), subject to the conclusion of any required statutory processes.
4. For properties held under the Reserves Act 1977, the reserve status must be revoked (in accordance with relevant Reserves Act requirements) before disposal. Accordingly, on 18 October 2023, council publicly notified and sought public and iwi submissions on its intent to revoke the reserve status of the property. The public notice is included as Attachment B.
5. 34 submissions were received from the public, and there were no submissions from mana whenua.
6. We recommend the appointment of an independent commissioner to consider the submissions received and to provide recommendations to the council.
7. The independent commissioner's recommendations will be reported to the Planning, Environment and Parks Committee for a decision on whether to forward requests for reserve revocations to the Minister of Conservation.

### Ngā tūtohunga

#### Recommendation/s

That the Regulatory and Community Safety Committee:

- a) kopou / appoint an independent commissioner (with Reserves Act experience) to consider public submissions regarding Auckland Council's proposal to revoke the reserve status of 2R Tī Rākau Drive, Pakūranga.
- b) tono / request that the commissioner consider the submissions received and make a recommendation in accordance with the Reserves Act 1977, for consideration by the Planning, Environment & Parks Committee.
- c) tautapa / delegate authority to the Chairperson of the Regulatory and Community Safety Committee to make replacement appointments should an independent commissioner appointed under recommendation a) above be unavailable.

### Horopaki

#### Context

8. The Howick Local Board has adopted the [Pakūranga Town Centre Masterplan 2015](#), which describes a 30 year vision for Pakūranga as a vibrant town centre destination. The subject property at 2R Tī Rākau Drive, Pakūranga is included in the masterplan.

9. On 5 May 2022 the Planning Committee approved the programme and endorsed the disposal of the property (PLA/2022/49), subject to the conclusion of any required statutory processes, with the objective of contributing strategically and financially to the outcomes of the urban regeneration and renewal of the neighbourhoods in the Eastern Busway corridor.
10. The Finance and Performance Committee approved the property located at 2R Tī Rākau Drive, Pakūranga for disposal on 19 May 2022 (FIN/2022/25) subject to the conclusion of any required statutory processes.
11. The property at 2R Tī Rākau Drive is a reserve subject to the Reserves Act 1977. The principal statutory requirement for these properties is to undergo a reserve revocation process under s24 Reserves Act 1977.
12. The subject property contains eight parcels: seven local purpose (utility) reserves and one recreation reserve, subject to the Reserves Act 1977. The property's details are shown in Attachment A.
13. The subject property is principally given over to carparking and used by the owners, tenants, and visitors to the Pakūranga Plaza shopping mall. One parcel (Lot 11) serves as continuous portion of the legal road 'Brampton Court'. The land and carparking are maintained by Auckland Council.
14. The Reserves Act 1977 prescribes the process for the revocation of reserve status. Completion of this process is necessary before any disposal.
15. The first stage of the process comprises public and iwi notification. Following receipt of submissions, and where necessary consideration by an independent commissioner, the Planning, Environment & Parks Committee will consider if revocation of the reserve status should be referred to the Department of Conservation. Final decision-making rests with the Minister of Conservation, who considers the proposal, any objections received and the Council's resolution including its rationale for seeking to revoke the reserve status.

## Tātaritanga me ngā tohutohu Analysis and advice

16. The reserve revocation process commenced on 17 October 2023 and public notifications (see Attachment B) were published on 18 October on Auckland Council's website, in the Howick & Pakūranga Times local newspaper and in the Eastern Courier. The public notice was also displayed in the Pakūranga Plaza. Letters were also sent to adjoining property owners to inform them of the process.
17. Iwi and the Department of Conservation were formally notified on 17 October. No submissions have been received from mana whenua.
18. The advertised closing date for submissions was 21 November 2023, however late submissions were accepted, and all submissions made in connection with the proposed revocation have been included.
19. A total of 34 individual submissions were received. The majority of these submissions are from the owners and tenants of the adjoining privately owned shopping mall at Pakūranga Plaza, who use the council owned reserve land for carparking.
20. Eke Panuku recommend the appointment of an independent commissioner to consider the submissions received. Following this, Eke Panuku will report the recommendation of the independent commissioner to the Planning, Environment & and Parks Committee for a decision on whether to forward a request for reserve revocation to the Minister of Conservation.

## Tauākī whakaaweawe āhuarangi Climate impact statement

21. In line with Eke Panuku's Climate Change Strategy, future development at Pakūranga will be designed to ensure new communities are sustainable, low carbon and climate resilient. Sustainability and climate change adaptation objectives and requirements will be embedded within masterplan design and development agreements. The development of land in close proximity to and integrated with the Eastern Busway transport infrastructure (Pakūranga bus station and accompanying cycleways and footpaths), will build communities with less dependence on driving and which are more climate friendly.
22. Emissions associated with any potential redevelopment can be reduced through development standards agreed through a future development agreement, application of Eke Panuku's Homestar 6 policy and requirements to reduce carbon emissions in commercial developments.

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

23. Eke Panuku has been working closely with Auckland Transport and the Eastern Busway Alliance to explore opportunities for urban regeneration aligned with the busway, including the opportunity for the disposal and subsequent development of 2R Tī Rākau Drive. AT is supportive of the proposed reserve revocation to enable this.
24. Auckland Council's Land Advisory Services team also supports the proposed reserve revocation.
25. Eke Panuku has discussed the potential appointment of an independent commissioner with both AT and the Land Advisory Services team.

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

26. The Howick Local Board endorsed the urban regeneration programme as outlined in the Eastern Busway Strategic Regeneration Overview (SRO). The board also endorsed the disposal of 2R Tī Rākau Drive, subject to the conclusion of any required statutory processes, with the objective of its disposal contributing strategically and financially to the outcomes of the regeneration of the neighbourhoods in the Eastern Busway corridor (HW/2022/41).
27. We have not sought the Howick Local Board's views on the appointment of an independent commissioner.

## Tauākī whakaaweawe Māori Māori impact statement

28. The reserve revocation was discussed at the Eke Panuku Whenua forum on 9 October 2023, shortly before the public notice was published.
29. No issues of cultural significance were raised, and mana whenua did not provide formal feedback regarding the proposed reserve revocation.

## Ngā ritenga ā-pūtea Financial implications

30. There are no financial or legal implications beyond those normally associated with the appointment of a commissioner. The costs of the independent commissioner will be met by Auckland Council.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

31. There is public interest in the proposed reserve revocation. The appointment of an independent commissioner will contribute to a robust process to enable determination of a recommendation.

## Ngā koringa ā-muri Next steps

32. The independent commissioner's report on the consideration of submissions and objections will be submitted to the Planning, Environment & Parks Committee for a decision on whether to forward a request to the Minister of Conservation to uplift the reserve status of the property.
33. If the Committee resolves that the reserve status should be uplifted, council officers will forward the resolutions, the commissioner's reports, and the submissions to the Department of Conservation.

## Ngā tāpirihanga Attachments

No.	Title	Page
<a href="#">A⇒</a>	Property Details	
<a href="#">B⇒</a>	Public Notices	

## Ngā kaihaina Signatories

Author	Gulina Monroe - Strategic Property Specialist, Eke Panuku Development Auckland
Authorisers	Letitia Edwards - Head of Strategic Property Optimisation - Eke Panuku Development Auckland Marian Webb - General Manager Assets and Delivery, Eke Panuku Development Auckland

## Resource Consents Appeals: Status Report 9 April 2024

File No.: CP2024/03080

### Te take mō te pūrongo

#### Purpose of the report

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

### Whakarāpopototanga matua

#### Executive summary

2. This report provides a summary of current resource consent appeals to which the Auckland Council is a party. It updates the report to the Regulatory and Community Safety Committee on 13 February 2024.
3. If committee members have detailed questions concerning specific appeals, it would be helpful if they could raise them prior to the meeting with Robert Andrews (phone: 09 353-9254) or email: robert.andrews@aucklandcouncil.govt.nz) in the first instance.

### Ngā tūtohunga

#### Recommendation/s

That the Regulatory and Community Safety Committee:

- a) whiwhi / receive the Resource Consents Appeals: Status Report 9 April 2024

### Horopaki

#### Context

4. As at 25 March 2024, there are 32 resource consent appeals to which Auckland Council is a party. These are grouped by Local Board Area geographically from north to south, as set out in **Attachment A**. Changes since the last report and new appeals received are shown in bold italic text.
5. The principal specialist planners - resource consents, continue to resolve these appeals expeditiously. In the period since preparing the previous status report on 25 January 2024, there has been one new appeal lodged and 7 resolved.
6. The new appeal is from Susan Valentine, a submitter who opposes the grant of resource consent for the construction a five-storey integrated residential development within the Metlifecare Village at 7-19 St Vincent Avenue, Remuera. The development involves the demolition of a building complex and construction of an apartment building with 10 independent units, associated infrastructure, earthworks and groundwater discharges. The building exceeds the 16m height standard of the Residential - Terrace Housing and Apartment Building zone. Ms. Valentine raises concerns of privacy and amenity effects created by the location, bulk, scale and design of the proposed building, and construction effects from the use of the privately owned Raukura Lane.

### Tātaritanga me ngā tohutohu

#### Analysis and advice

7. To receive the report as provided.

## **Tauākī whakaaweawe āhuarangi** **Climate impact statement**

8. The report provides an update of consent appeals and seeks no resolution or consideration of the merits associated with them.

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

9. Not applicable.

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

10. Not applicable.

## **Tauākī whakaaweawe Māori** **Māori impact statement**

11. The decision requested of the Regulatory and Community Safety Committee is to receive this progress report rather than to consider the relevance to Māori associated with each of the appeals at this time.
12. The Resource Management Act 1991 includes a number of matters under Part 2, which relate to the relationship of Tangata Whenua to the management of air, land and water resources. Maori values associated with the land, air and freshwater bodies of the Auckland Region are based on whakapapa and stem from the long social, economic and cultural associations and experiences with such taonga. These matters where relevant are considered with the resolution of the resource consent appeals.

## **Ngā ritenga ā-pūtea** **Financial implications**

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

## **Ngā raru tūpono me ngā whakamaurutanga** **Risks and mitigations**

14. Not applicable.

## **Ngā koringa ā-muri** **Next steps**

15. Not applicable.



## Ngā tāpirihanga Attachments

No.	Title	Page
A⇒	Current Resource Consent Appeals as 25 March 2024	

## Ngā kaihaina Signatories

Author	Robert Andrews - Principal Specialist Planning
Authoriser	Craig Hobbs - Director Regulatory Services



## Summary of Regulatory and Community Safety Committee information memoranda, workshops, and briefings (including the Forward Work Programme) - 9 April 2024

File No.: CP2024/02593

Item 16

### Te take mō te pūrongo Purpose of the report

1. Receive a summary and provide a public record of memoranda or briefing papers that have been distributed to the Regulatory and Community Safety Committee.
2. Note the progress on the forward work programme appended as Attachment A

### Whakarāpopototanga matua Executive summary

3. This is a regular information-only report which aims to provide greater visibility of information circulated to Regulatory and Community Safety Committee members via memoranda/briefings, where no decisions are required.
4. The following information items have been distributed:

Date	Subject
06/03/2024	Urgent request from water safety organisations to amend personal flotation device rules in the Auckland Council Navigation Bylaw 2021 (memo sent to committee 25 March 2024)
13/03/2024	Letter to Minister of Health, Hon Dr Shane Reti regarding Vaping
13/03/2024	Letter to Opposition Spokesperson for Health, Hon Dr Ayesha Verrall
19/03/2024	Letter to Ross Young, Woolworths regarding Auckland Council's proposed Local Alcohol Policy (PLAP)

5. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Committee members should direct any questions to the relevant staff.

### Ngā tūtohunga Recommendation/s

That the Regulatory and Community Safety Committee:

- a) whiwhi / receive the Summary of Regulatory and Community Safety Committee information memoranda and briefings – 9 April 2024
- b) tuhi ā-taipitopito / note the progress on the forward work programme appended as Attachment A of the agenda report.

## Ngā tāpirihanga Attachments

No.	Title	Page
A⇒	Regulatory and Community Safety Committee Forward Work Programme - 9 April 2024	
B⇒	Urgent request from water safety organisations to amend personal flotation device rules in the Auckland Council Navigation Bylaw 2021	
C⇒	Letter to Minister of Health, Hon Dr Shane Reti regarding Vaping	
D⇒	Letter to Opposition Spokesperson for Health, Hon Dr Ayesha Verrall regarding Vaping	
E⇒	Letter to Ross Young, Woolworths, regarding Auckland Council's proposed Local Alcohol Policy (PLAP)	

## Ngā kaihaina Signatories

Author	Phoebe Chiquet-Kaan - Governance Advisor
Authoriser	Craig Hobbs - Director Regulatory Services