

Date: Tuesday, 4 February 2025
Time: 10.00am
Meeting Room: Room 1, Level 26
Venue: Te Wharau o Tāmaki - Auckland House
 135 Albert Street
 Auckland

Te Komiti mō te Waeture me te Haumarū / Regulatory and Safety Committee

OPEN ATTACHMENTS

ITEM	TABLE OF CONTENTS	PAGE
9	Resource Consents Appeals: Status Report 4 February 2025	
	A. Regionwide resource consent appeal register for 4 February 2025	3
10	Summary of Regulatory and Safety Committee information memoranda, workshops, and briefings (including the Forward Work Programme) - 4 February 2025	
	A. Regulatory and Safety Committee Forward Work Programme - 4 February 2025	19
	B. Hearings quarterly update memo - January 2025	27
	C. Policy advice on options to ban fireworks in Tāmaki Makaurau - Information Memorandum	45
11	Objection to stormwater works at 116A Forrest Hill Road	
	A. Engineering planning approval	51
	B. Objection letter	53
	C. Alignment options	165
	D. Facilitation summary	167
	E. Analysis of alignment options	169

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

ITEM TABLE OF CONTENTS

PAGE

12	Objection to stormwater works at 78 Onewa Road	
A.	Engineering approved plans	171
B.	Objections letters	175
C.	Alternative alignment options	179
D.	Correspondence log	181
E.	Analysis of alignment options	187

Attachment A:

for 4 February 2025

Item 9

RODNEY – Local Board Area (11 Appeals)

Appellant	Treetops Land Development Limited	Received	24 September 2024
References	ENV-2024-AKL-000209 Council - CER70023151)		
Applicant:	Treetops Land Development Ltd.		
Site address	577 Haruru Road, Wainui		
Other parties	None		
Description	An appeal to a council hearing commissioner's decision, that found the initial council decision was correct, follows a hearing to consider an objection under s357A of the RMA 1991. The objection was to council's decision not to issue a Certificate of Compliance ('CoC') for the proposed activity, to realign a farm track, recontour and partly fill a valley using local and imported material and replant in vegetation being pasture grasses and clover, The Commissioner decided that the decision not to issue the CoC was correct as insufficient evidence had been provided with the application to confirm that compliance will be achieved with, or that consent is not required in respect of, the relevant rules, standards, and regulations.		
Iwi comments	No matters of interest to Iwi were identified during the processing of the application.		
Status	<i>Environment Court mediation occurred on 3 December 2024. The appellant is to provide further information to endeavor to demonstrate compliance with the relevant AUP rules and then further directions from the Court will be sought.</i>		

Appellant	P J & M L Dale	Received	3 July 2024
References	ENV-2024-AKL-000130 (BUN60406513 - LUC60406515 & CST60406514)		
Applicant:	P J Dale		
Site address	Esplanade Reserve adjacent to 284 Point Wells Road, Point Wells		
Other parties	none		
Description	<p>Retrospective consent was granted by a Council Hearings Panel on 12 June 2024 for the unauthorised establishment within Council Esplanade Reserve of a stacked boulder seawall with a height of approximately 1m, extending approximately 50m along the coastal edge and to undertake earthworks conservatively estimated to exceed 5m² and 5m³ within the Significant Ecological Area and Coastal Protection Zone.</p> <p>The applicant has appealed the decision in part, being those consent conditions requiring construction and landscaping plans and the undertaking of landscape planting within the esplanade reserve. These seek to mitigate adverse coastal character and amenity effects the Panel determined would be created. Council is still to determine whether landowner approval should be provided for the seawalls to remain and be maintained by the consent holder. This is a separate process.</p>		

Region-wide Appeals Register– 5 February 2025

Attachment A

Item 9

Iwi comments	N/A
Status	<i>Parties are waiting for an updated landscape plan for the neighbouring site to be assessed for certification purposes by council's Environmental Monitoring Team. The certified landscape plan is required, to assist discussion with respect to the nature of the landscaping that the Dales will be required to undertake, and whether mediation should be pursued. The parties are to set out their positions to the Court by the end of January 2025 and then a Judicial Teleconference will be scheduled in early February to determine an efficient way forward.</i>

Attachment A

Appellant	Woodcocks Property Limited	Received	8 June 2023
References	ENV-2023-AKL-000077 BUN60376629 (LUC60376710, SUB60371586 and DIS60376711)		
Applicant:	Woodcocks Property Limited		
Site address	6 Lachlan Thompson Drive, Warkworth		
Other parties	ITSS Engineering and Grange Ridge, Morrison Gumfield Property Ltd		
Description	An appeal to the decision to refuse consent to the non-complying application for subdivision and associated resource consents to undertake a 72-lot residential development on land zoned Rural Future Urban (FUZ). The council refused consents considering the development should be the subject of a plan change process, requiring more certainty on the proposed Western Link Road alignment and that reverse sensitivity effects would result. The decision considered the proposal contrary to the objectives and policies of the FUZ and did not pass s104D thresholds.		
Iwi comments	There were no submissions from iwi or cultural interest raised by the application.		
Status	Mediation proceeded on 11 October 2023. Applicant to provide revised scheme plan and further assessments. Process paused until a decision on the western link road NOR recommendation is known. The NOR decision accepting the recommendation that the NOR 6 alignment remains as originally notified is still within the appeal period (until 2 August). The parties will liaise on an evidence exchange timetable with a Court reporting date in late August. The NoR decision has been appealed and Woodcocks Property has joined the appeal as a s274 party. They seek to delay the agreement with Council to proceed with an evidence exchange timetable for this appeal until the NOR appeal is resolved. <i>The parties have reported separately to the Court, and the Court has agreed that the appeal can remain on hold with a further report on 24 January 2025.</i>		

Region-wide Appeals Register– 5 February 2025

Appellant	McCallum Bros Ltd v Auckland Council	Received	27 May 2022
References	ENV-2022-AKL-000121 CST60343373 and DIS60371583		
Applicant:	McCallum Brothers Limited ('MBL')		
Site address	Coastal Marine Area – Pakiri Beach – (Off-Shore Extraction Area)		
Other (section 274) parties	Mangawhai Harbour Restoration Society Inc, Sherie Ann Wikaira, Tara Iti Golf Club Limited, Te Arai Links, Te Arai North Limited, Te Arai Residents' Association Incorporated, Te Arai South Holdings Limited, Te Whānau o Pakiri, Manuhiri Kaitiaki Charitable Trust, W Greenwood Friends of Pakiri Beach Inc, Environmental Defence Society Inc, D Clapshaw		
Description	An appeal by the applicant to the refusal of resource consents. The applicant seeks coastal and discharge permits to extract sand from the coastal marine area off shore at Pakiri. Extraction is proposed to be undertaken using a trailer suction dredge. Consent is being sought to extract up to 2,000,000m ³ of sand from between the 25m and the 40m isobaths over an approximate area of 44.12km ² , with no more than 150,000m ³ per any 12-month period between the 25m and 30m isobaths. Separate appeals for in-shore and mid-shore sand extraction have since been withdrawn.		
Iwi comments	The effects of the proposed continued dredging of sand offshore from Pakiri on cultural values and Mana Whenua interests were central for many submitters. The following exert from the Panel's decision to refuse the consents applied for summarises their findings in relation to the views expressed by Mana Whenua: "This does not accord with our findings in relation to effects on ecology and coastal processes and those comparative values such as effects on taonga species, cultural landscapes and kaitiakitanga when applying a cultural lens. We therefore prefer the evidence of Ahi Kaa and Ngāti Manuhiri submitters in this regard, who are Mana Whenua of Pakiri with intimate intergenerational knowledge and understanding of that environment. In our view this is consistent with what is required of us by the policies relating to Treaty of Waitangi/TeTiriti o Waitangi partnerships and participation in Chapter B6 of the RPS, e.g. B6.2.2 In reaching this decision we have had particular regard to potential impacts on the holistic nature of the Mana Whenua world view; the exercise of kaitiakitanga; mauri, customary activities, including mahinga kai and sites and areas of significant spiritual or cultural heritage value to Mana Whenua as required by Policy B6.3.2. (6) of the RPS."		

**Komiti mō te Waeture me te Haumarū ā-Hapori / Regulatory and Safety Committee
Forward Work Programme 2025**

This committee deals with regulatory hearings, appointing independent commissioners and regulatory policy and bylaws. The full terms of reference can be found here: [Auckland Council Governing Body Terms of Reference](#)

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakataū / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2025											
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Bylaws														
Health and Hygiene Bylaw Control Policy, Planning and Governance	To review minimum standards to protect public health associated with commercial services that pierce, risk breaking or risk burning the skin or tissue, therapeutic massage, colon hydrotherapy, swimming pools, water play parks and splash pads under the Health and Hygiene Bylaw 2013.	Decision on form of updated bylaw control and whether formal public consultation is required. Progress to date: Initiation of bylaw projects in 2022 - 8 March 2022 at the Regulatory Committee Link to decision Findings from a review of Council's Health and Hygiene Code – 8 October 2024 at the Regulatory and Safety Committee Link to decision												
Vape Retail Bylaw	Notice of Motion to introduce a bylaw restricting the visibility of vape products in specialist vape retailers from external view	Chair to be briefed and determine next steps. Progress to date: Notice of Motion – 13 February 2024 Link to decision Retrospective approval of Auckland Council's Smokefree Submission – 8 October 2024 at the Regulatory and Safety Committee Link to decision												
Public Safety and Nuisance By-Law Enforcement Licensing and Regulatory Compliance	To advise the 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.	Address ongoing concerns with city centre safety and nuisance. Progress to date: Proposed review of the Public Safety and Nuisance Bylaw enforcement – 9 April 2024 at the Regulatory and Community Safety Committee Link to decision Public Safety and Nuisance Bylaw Enforcement Update – 2 July 2024 at the Regulatory and Community Safety Committee Link to decision												

Attachment A

Item 10

Attachment A

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2025												
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Bylaw review initiation report Policy, Planning and Governance	To meet legislative requirements to periodically review bylaws to ensure they are still required and 'fit for purpose'.	Decision on the commencement, scope and timeframes of a review bylaws about waste, food safety and navigation.													
Waste Management and Minimisation Bylaw 2019 Policy, Planning and Governance	To review the bylaw that helps to manage and minimise rubbish, recycling and compost in Auckland. It includes rules about kerbside collections and requirements for the waste industry, businesses and multi-unit residential properties.	Decision on whether a bylaw (and bylaw controls) is still needed. If required, recommend a proposal to adopt a new bylaw and appoint a Bylaw Panel. Expected timeframes to be determined in Bylaw review initiation report.													
Food Safety Information Bylaw 2020 Policy, Planning and Governance	To review the bylaw that promotes high food safety standards.	Decision on whether a bylaw is still needed to confirm, amend, replace or revoke the bylaw. If required, recommend a proposal and appoint a Bylaw Panel. Expected timeframes to be determined in Bylaw review initiation report.													
Navigation Bylaw 2021 Policy, Planning and Governance	To review the bylaw that promotes safe recreational and commercial use of Auckland's waters, including the wearing of personal flotation devices on small recreational vessels.	Decision on whether a bylaw is still needed to confirm, amend, replace or revoke the bylaw. If required, recommend a proposal and appoint a Bylaw Panel. Expected timeframes to be determined in Bylaw review initiation report.													
Reporting															
Animal Management Licensing and Regulatory Compliance	Report on Animal Management activities for the year ending June 2024 as required by Section 10A of the Dog Control Act 1996.	Note that the Animal Management Annual Report is required under Section 10A of the Dog Control Act 1996 and staff will provide the 2023/24 report to the Secretary of Local Government. Progress to date: 2023/2024 report still to be prepared by Animal Management for presentation and approval during September/October 2024. Animal Management Annual Report 2023-2024 – 8 October 2024 at the Regulatory and Safety Committee Link to decision													
Resource Consent Appeals Resource Consents	To provide an update on all resource consent appeals	Information purposes. Bi-monthly report.													

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakataua / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2025													
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Boarding House Inspections Licensing and Regulatory Compliance	Update on the Auckland proactive boarding house inspections programme.	Information purposes. Progress to date: Boarding House Inspection Programme Update – 20 April 2021 at the Regulatory Committee Link to decision Boarding House Inspection Programme Update – 4 June 2024 at the Regulatory and Community Safety Committee Link to decision														Item
Community Safety and Wellbeing Community Wellbeing	To provide an update on the regional homelessness work programme.	Information purposes. Six-monthly report. Progress to date: Regional Community Safety Work Programme – 13 August 2024 at the Regulatory and Community Safety Committee Link to decision City Centre Community Safety Action Plan – 13 August 2024 at the Regulatory and Community Safety Committee Link to decision														Attachment A
Policies																
Gambling Venue Policies Review 2020	Review required under the Gambling Act 2003	To approve the review findings Progress to date: Gambling Venue Policies Review 2020 – 13 October 2020 at the Regulatory Committee Link to decision Start of gambling and dog policy/bylaw reviews – 5 September 2023 Link to decision Gambling Venue Policies Review 2023 – 5 March 2024 Link to decision														

Item 10

Attachment A

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2025											
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Regulatory and Safety Committee Policy		<p>To produce and obtain approval for an amended Regulatory and Safety Committee Policy</p> <p>Progress to date: Adoption of a Regulatory and Safety Committee Policy – 4 April 2023 at the Regulatory Committee Link to decision</p>												
Dangerous Dams Policy Building regulations	<p>The Building (Dam Safety) Regulations 2022 are Aotearoa New Zealand’s first consistent regulatory dam safety framework which provides a nationally consistent approach to ensuring that dams are, and continue to be, safe, protect people, property, infrastructure, and the environment. The Building (Dam Safety) Regulations 2022 come into effect on 13 May 2024.</p>	<p>Under the Building Act 2004, all regional councils are required to ‘adopt and implement a policy on dangerous dams, flood-prone dams, and earthquake prone dams.’ Auckland Council developed its proposed Dam Safety policy, which is due to come into effect on 13 May 2024.</p> <p>The Regulatory and Community Safety committee is expected to adopt the proposed Dangerous Dams policy in April 2024, in time for it come into effect on 13 May 2024.</p> <p>Progress to date: Update on submissions received during the consultation period on the Dam Safety policy. Link to decision Decision to adopt dangerous dams policy. Link to decision</p>												
Funding														
Local Crime Fund	<p>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.</p>	<p>To approve the distribution model and ratio for the Local Crime Fund of \$2 million.</p> <p>Progress to date: Local Crime Fund – 30 May 2023 at the Regulatory Committee Link to decision Update on accountability for Local Crime Fund grants provided to Business Improvement Districts as of 31 December 2023 Link to decision</p>												

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2025											
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Hearings														
Objection hearings under section 181 of the Local Government Act	The committee hears and determines objections to proposed stormwater works on private properties pursuant to section 181 of the Local Government Act 2002.	Hear and determine the objections according to clause 1(e) of Schedule 12 of the Local Government Act 2022. Hearings will be undertaken by the committee as the need arises.												As required
Objections under section 22 of the Dog Control Act 1996	The committee hears and determines objections to the probationary classification of dog owners pursuant to section 22(1) of the Dog Control Act 1996.	Hear and determine the objections according to sections 22(3) and 22(4) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.												As required
Objections under section 26 of the Dog Control Act 1996	The committee hears and determines objections to the disqualification of persons to own dogs pursuant to section 26(1) of the Dog Control Act 1996.	Hear and determine the objections according to sections 26(3) and 26(4) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.												As required
Objections under section 31 of the Dog Control Act 1996	The committee hears and determines objections to the dangerous classification of dogs pursuant to section 31(3) of the Dog Control Act 1996.	Hear and determine the objections according to section 31(4) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.												As required
Objections under section 33B of the Dog Control Act 1996	The committee hears and determines objections to the menacing classification of dogs by deed pursuant to section 33B(1) of the Dog Control Act 1996.	Hear and determine the objections according to section 33B(2) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.												As required
Objections under section 33D of the Dog Control Act 1996	The committee hears and determines objections to the menacing classification of dogs by breed pursuant to section 33D(1) of the Dog Control Act 1996.	Hear and determine the objections according to section 33D(3) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.												As required
Objections under section 55 of the Dog Control Act 1996	The committee hears and determines objections to the issue of nuisance abatement notices for barking dogs pursuant to section 55(2) of the Dog Control Act 1996.	Hear and determine the objections according to section 55(3) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.												As required

Attachment A

Completed

Item 10

Attachment A

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Whakatau / Decision
Air Quality Bylaw for Indoor Domestic Fires Community and Social Policy	This Bylaw sets standards for indoor domestic fires and what may be burnt in them. New Bylaw must be made by 25 May 2024 to avoid a regulatory gap.	Decision on key components of a new bylaw (April) to recommend a proposal and appoint a Bylaw Panel (June) Progress to date: It was recommended that the bylaw be allowed to expire as it added no regulatory value. RSCCC/2023/12	whakaae / approve allowing the Auckland Council Air Quality Bylaw for Indoor Domestic Fires 2017 to expire on 25 May 2024. Link to decision
Signage at off-license premises Community and Social Policy	To investigate regulatory options to restrict the size, number, content and marketing of alcohol on signage and the use of neutral colours on buildings associated with off-license premises and visible from a council controlled public place.	Decision on preferred regulatory option in relation to signs at off-license premises and determination of next steps. Progress to date: <u>Decision to initiate project made on 13 October 2020 REG/2020/66</u> Completed on 27 June 2023. Link to decision	a) whakaae / agree to the key findings in the 'Report on further investigation of regulatory options to reduce alcohol advertising outside off-licence premises' in Attachment A of this agenda report. b) ohia / endorse the Auckland District Licensing Committee Practice Note on off-licence advertising as the most appropriate option to reduce alcohol advertising outside off-licence premises as detailed in Option three of this agenda report. c) request the Auckland District Licensing Committee consider adding to their Practice note on off-licence advertising the following: i) require that all alcohol signage comply with the Advertising Standard Authority code ii) clarify that the stricter rule will apply where there is any conflict between the signage Bylaw and the 25% façade limit d) tuhi ā-taipitopito / note that including discretionary conditions about alcohol advertising outside off-licence premises can be considered during the first statutory review of the Auckland Local Alcohol Policy, if and when it becomes operative.
Waste Management and Minimisation Bylaw Control Community and Social Policy	To review the kerbside collection rules for waste management and minimisation.	Decision on form of updated bylaw control and whether formal public consultation is required. Progress to date: New Wase Management and Minimisation Bylaw Control – 5 December 2023 Link to decision	

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Whakatau / Decision
<p>Traffic Bylaw Review Policy, Planning and Governance</p>	<p>To review the bylaw that regulates the use of vehicles on council-controlled land that is not part of the Auckland transport system, like parks and beaches.</p> <p>NB: This Bylaw was made solely under the Land Transport Act 1998 and does not expire.</p> <p>This is a joint project led by Auckland Transport to create a single traffic bylaw for Auckland.</p>	<p>Decision on whether a bylaw is still needed to confirm, amend, replace or revoke the bylaw. If required, recommend a proposal and appoint a Bylaw Panel.</p> <p>Progress to date:</p> <p>Initiation of Bylaw Reviews in 2020 – 18 February 2020 at the Regulatory Committee Link to decision</p> <p>Process and timeline clarified with Auckland Transport.</p> <p>Combined draft findings, options and proposal report scheduled for Mid-2024 for endorsement to seek local board views. Report on recommended proposal scheduled for 3rd Quarter 2024.</p> <p>2024 Findings from joint review of Auckland's traffic-related bylaws. Staff to prepare a report in response to the findings that develops options and a proposal to improve the regulation of vehicle use and parking in Auckland in a collaboration led by Auckland Transport. Link to decision</p> <p>Proposed joint traffic-related bylaw for Auckland - 8 October 2024 at the Regulatory and Safety Committee Link to decision</p> <p>Completed on 8 October 2024. Link to decision</p>	

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Whakatau / Decision
<p>Cemeteries and Crematoria Bylaw Control Policy, Planning and Governance</p>	<p>To review the rules to manage activities at council cemeteries and crematoria relating to burial, cremation, disinterment, built structures and record-keeping under the Cemeteries and Crematoria Bylaw 2014.</p>	<p>Decision on whether a bylaw (and code) is still needed to confirm, amend, replace or revoke the bylaw. If required, recommend a proposal and appoint a Bylaw Panel.</p> <p>Progress to date:</p> <p>Recommendations from Regulatory Committee, Proposal to amend the Cemeteries and Crematoria Bylaw 2014 – 24 September 2020 at the Governing Body Link to decision</p> <p>Cemeteries and Crematoria Bylaw 2014: Bylaw Panel report – 22 October 2021 at the Governing Body Link to decision</p> <p>Proposal to Initiation of bylaw projects in 2022 - 8 March 2022 at the Regulatory Committee Link to decision</p> <p>Findings from 2024 Review of Council's Cemetery Bylaw and Code. Decision to endorse the findings, start the statutory review, and prepare a report in response to the findings that completes a statutory bylaw review, develops options for improvements, and includes a proposal on the preferred option. Link to decision</p> <p>Proposed amended Bylaw – 3 December 2024 at the Regulatory and Safety Committee Link to decision</p> <p>Completed on 3 December 2024 Link to decision</p>	
<p>Dog Policy and Bylaw Review Community and Social Policy</p>	<p>To review the Policy and Bylaw on dogs that regulates the keeping and control of dogs in Auckland.</p>	<p>Decision on whether policy fit for purpose and whether a bylaw is still needed to confirm, amend, replace or revoke the bylaw. If required, recommend a proposal and appoint a Panel.</p> <p>Progress to date:</p> <p>Start of gambling and dog policy/bylaw reviews – 5 September 2023 Link to decision</p> <p>Findings from review of Council's policy and bylaw on dogs: prepare options report and proposal on improvements in response to the findings for consultation in 2025. Link to decision</p> <p>Proposed amended Policy and Bylaw – 3 December 2024 at the Regulatory and Safety Committee Link to decision</p> <p>Completed on 3 December 2024 Link to decision</p>	

Last edited 14/01/25

