

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

Date: Tuesday, 1 April 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 Haumaru /
Regulatory and Safety Committee**

OPEN AGENDA

MEMBERSHIP

Chairperson	Cr Josephine Bartley
Deputy Chairperson	Cr Lotu Fuli
Members	Houkura Member Edward Ashby Houkura Member Ngarimu Blair Cr Julie Fairey Cr Alf Filipaina, MNZM Cr Mike Lee Cr Kerrin Leoni Cr Sharon Stewart, QSM
Ex-officio	Mayor Wayne Brown Deputy Mayor Desley Simpson, JP

(Quorum 5 members)

Phoebe Chiquet-Kaan
Governance Advisor

26 March 2025

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ITEM	TABLE OF CONTENTS	PAGE
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	Initiation of navigation, waste and food bylaw reviews	7
9	City Centre Community Safety Plan update	15
10	Summary of Regulatory and Safety Committee information memoranda, workshops, and briefings (including the Forward Work Programme) - 1 April 2025	31
11	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 Safety Committee:

 - a) whakaū / confirm the ordinary minutes of its meeting, held on [Tuesday, 4 February 2025](#), 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**

Initiation of navigation, waste and food bylaw reviews

File No.: CP2025/01080

Te take mō te pūrongo

Purpose of the report

1. To seek approval to initiate the review of navigation, waste management and food bylaws.

Whakarāpopototanga matua

Executive summary

2. This is a process report that seeks approval to initiate the review of three bylaws for which the Regulatory and Safety Committee has delegated responsibility.
3. In October 2019, Auckland Council approved a new regional policy initiation process to meet its co-governance roles and responsibilities, and statutory requirements.
4. Staff recommend the committee initiate the review of the following Auckland Council bylaws in accordance with the scope, local board input and timeframes in this report:
 - [Navigation Bylaw 2021](#)
 - [Waste Management and Minimisation Bylaw 2019](#)
 - [Food Safety Information Bylaw 2020](#).
5. Taking this approach will enable council to comply with its statutory requirements, collaborative governance model and best practice.
6. In assessing potential risks for the three reviews, there is a moderate risk that certain stakeholders may think their views have not been sufficiently reflected or that key review timeframes may not be met. These risks will be mitigated by project management, compliance with statutory requirements and best practice.
7. If approved, staff will review all three bylaws as outlined in this report.

Ngā tūtohunga

Recommendation/s

That the Regulatory and Safety Committee:

- a) whakaae / approve the initiation of the review of three Auckland Council bylaws in accordance with the scope and timeframes in the agenda report:
 - i) Navigation Bylaw 2021
 - ii) Waste Management and Minimisation Bylaw 2019
 - iii) Food Safety Information Bylaw 2020.
- b) tuhi tīpoke / note that the review of sections of the Navigation Bylaw relating to the removal of skipper discretion for mandatory life jackets will be considered as part of the bylaw review in (a)(i).

Horopaki

Context

Council's bylaw about navigation on Auckland's waters requires review

8. The Navigation Bylaw 2021 was made under the Local Government Act 2002 and Maritime Transport Act 1994.

9. The Navigation Bylaw 2021 seeks to ensure maritime safety and minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage. It also establishes an approval system for personal watercraft and moorings, and outlines navigation safety requirements.
10. The Navigation Bylaw 2021 was adopted by council on 24 June 2021 ([GB/2021/68](#)), came into effect on 31 July 2021 and is administered by the Harbourmaster.
11. A statutory review of the Navigation Bylaw 2021 is due by 24 June 2026 under the Local Government Act 2002. If this date is not met, the Bylaw will expire on 24 June 2028 and to avoid a regulatory gap, any new bylaw must be in place by that date.

Council has also received a request for a separate review of life jacket bylaw rules

12. At its meeting of 5 December 2023, the Regulatory and Safety Committee (the committee) received a request to amend clauses 18-20 of the Auckland Council Navigation Bylaw 2021 in relation to the wearing of Personal Flotation Devices (PFDs). In response, the committee requested staff advice to amend the Navigation Bylaw 2021 ([RSCCC/2023/68](#)).
13. On 6 March 2024, staff suggested via memorandum, that the committee “consider the request in the scheduled statutory bylaw review from early 2025”. The committee received this advice as part of the summary of information memoranda ([RSCCC/2024/30](#)).

At its meeting in February 2025, the Regulatory and Safety Committee sought similar advice for a separate review of clauses related to PFD’s ([RSCCC/2025/5](#)). Staff advice to this request is provided in paragraph 29.

Council’s bylaw about waste management and minimisation requires review

14. The Waste Management and Minimisation Bylaw 2019 (WMM Bylaw) was made under the Waste Minimisation Act 2008 and Local Government Act 2002.
15. The WMM Bylaw manages and minimises waste, protects the public from health and safety risks and nuisance, and manages the use of council-controlled public places.
16. The WMM Bylaw replaced the Solid Waste Bylaw 2012 and was adopted by the council on 22 August 2019 ([GB/2019/83](#)). It came into force on 26 October 2019 and is primarily administered by the Waste Solutions team.
17. A statutory review of the WMM Bylaw was due to be completed by 22 August 2024. The review was postponed to allow for the adoption of [Auckland’s Waste Minimisation and Management Plan 2024: Towards Zero Waste](#) in October 2024. An earlier review would not have been able to adequately identify the appropriateness of the WMM Bylaw to help implement the updated waste plan.
18. The WMM Bylaw will expire on 22 August 2026 under the Local Government Act 2002. To avoid a regulatory gap, any new bylaw is required to be in place by that date.

Council’s bylaw about the display of food grades requires review

19. The Food Safety Information Bylaw 2020 (FSI Bylaw) was made under the Local Government Act 2002 and Health Act 1956.
20. The FSI Bylaw seeks to protect public health by requiring operators of certain food businesses to display a valid food safety information certificate. This includes businesses who use a Template Food Control Plan registered and verified by the council under the Food Act 2014.
21. The FSI Bylaw was adopted by council on 30 April 2020 ([GB/2020/36](#)), came into full effect on 31 December 2020 and is administered by the Licensing and Environmental Health team.

A statutory review of the FSI Bylaw is due by 30 April 2025. This review date will not be met due to a prioritisation of resource to complete the review of the policy and bylaw on dogs. To meet statutory requirements to avoid a regulatory gap, any new bylaw (if still required) must be in place by 30 April 2027.

Bylaw reviews are initiated by the Regulatory and Safety committee and must meet statutory requirements

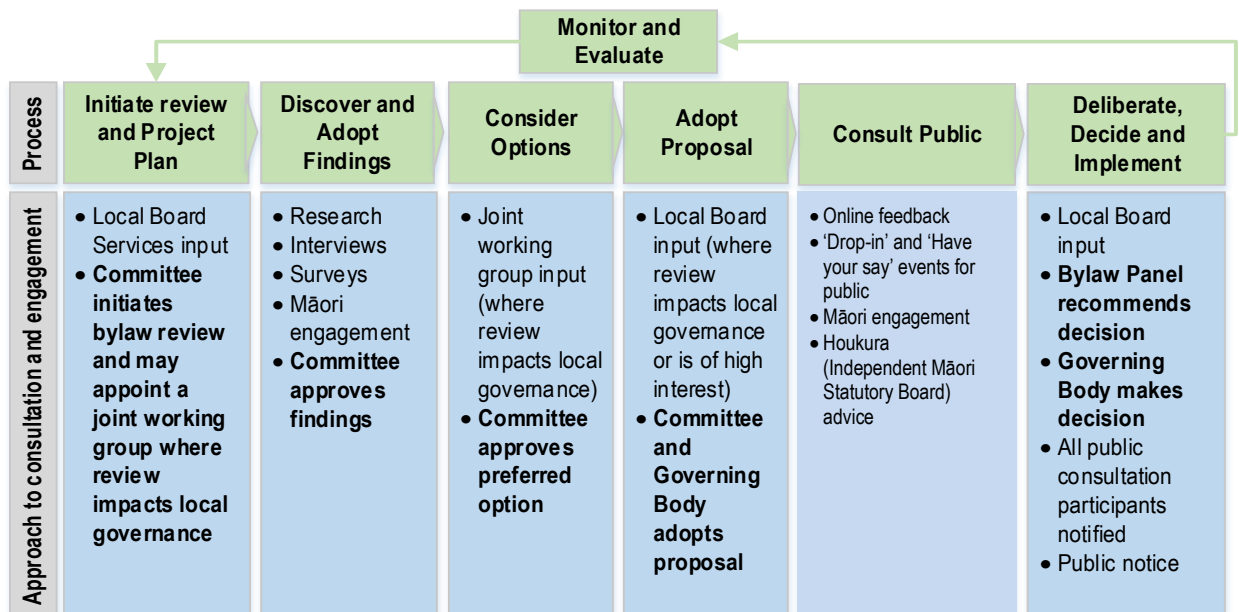
22. To support a collaborative governance model, council adopted in 2019 the Local Board Involvement in Regional Policy, Plans and Bylaws – Agreed Principles and Processes.
23. This approach enables the Regulatory and Safety Committee to initiate and approve the scope and timeframes of regulatory policy and bylaw reviews based on the relevance to local board interests and statutory requirements.

Table 1: Local board input to bylaw review stages based on relevance criteria

Relevance to local boards	Local boards have input on		
	Options	Proposal	Public Feedback
Impacts local governance ¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
High community interest ²	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low community interest ³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

24. Statutory requirements and the collaborative governance model determine the steps that any review of policies, plans and bylaws must undertake.

Figure 1: Regulatory policy review steps



Tātaritanga me ngā tohutohu Analysis and advice

Staff recommend the Regulatory and Safety Committee initiate and set the scope of three bylaw reviews

25. Staff recommend the committee initiate the review of the following projects in 2025:
 - Navigation Bylaw 2021
 - Waste Management and Minimisation Bylaw 2019
 - Food Safety Information Bylaw 2020.

¹ Governance means review impacts assets or services that a local board has a decision-making role. The committee also has the option to appoint a joint working group to consider options for reviews that impact local governance.

² High interest means review is of major interest to one or more local communities but does not impact local governance.

³ Low interest means review does not impact local governance and is not high interest

26. The recommended matters in-scope for each review are described in Table 2 below. These matters will guide the assessment of each bylaw's effectiveness and identification of any improvements since the bylaws were last reviewed.

Table 2: Assessment of matters that are in and out of scope for each bylaw review

Project	Matters in scope (✓) / Matters out of scope (✗)
All	<ul style="list-style-type: none"> ✓ Review in accordance with statutory requirements about bylaw appropriateness and form ✓ Investigation to any new issues that come to light over the course of consultation ✓ Research and targeted engagement to inform findings, options and any proposal ✓ Investigation into suggested changes and improvements to the bylaw ✓ Draft proposal for adoption using special consultative procedure if required ✗ Implementation and promotion of the bylaw and public information and guides which are the responsibility of operational teams ✗ Advocacy for legislative changes
Navigation Bylaw 2021	<ul style="list-style-type: none"> ✓ Investigation into the request from water safety organisations about the compulsory use of Personal Floatation Devices (PFDs) on recreational vessels (6m or less in length) ✓ A high-level approach to the review of other current bylaw topics ✓ Close collaboration with Harbourmaster ✓ Requests to update infringement regulations to align with any changes in proposal ✗ Review of existing licenses and approvals that have been issued to date ✗ Issues regulated by the Maritime NZ Rules
Waste Management and Minimisation Bylaw 2019	<ul style="list-style-type: none"> ✓ Assessment of new topics in the waste plan to reduce construction and demolition waste using mandatory site management plans, and an approval of clean fill operations ✓ A high-level approach to the review of other current bylaw topics, including bylaw-related matters identified in the updated waste plan about strengthening data collection from waste collectors and facilities, removing redundant requirements, matters relating to multi-unit developments and waste management and minimisation plans for events ✓ Investigation whether any new bylaw could be drafted to separate Waste Minimisation Act 2008 and Local Government Act 2002 clauses to ensure the review of any new bylaw can occur after the review of the Waste Plan is reviewed without expiring ✗ Review of existing license holders and approvals that have been issued to date
Food Safety Information Bylaw 2020	<ul style="list-style-type: none"> ✓ Close collaboration with the staff in the Licensing and Environmental Health unit ✓ Engagement with a limited range of key external stakeholders, for example Ministry of Primary Industries, industry organisations and public health experts ✗ Development and implementation of any non-regulatory measures such as education which would be the responsibility of the Licensing and Environmental Health unit.

27. In relation to advice sought by the committee on a separate review of clauses related to Personal Flotation Devices (PFDs) ([RSCCC/2025/5](#)):
- Staff recommend that the review of PFD rules be included in the statutory review of the Navigation Bylaw 2021, which this report seeks approval to initiate
 - Conducting a separate review of the PFD rules would duplicate key review steps, resulting in an inefficient use of resource. The statutory review will encompass all necessary steps to assess the PFD rules
 - It is anticipated that the findings of the full review, including an investigation into PFD rule, will be reported to the committee in August 2025.

Local board views will be sought on any proposal resulting from the bylaw reviews

28. The staff assessment in Table 3 below identifies the local board relevance for all three bylaw reviews as high community interest.
29. This means local boards will be informed of the review outcome and views sought on any draft proposal and public feedback in accordance with the collaborative governance model.

Table 3: Relevance and reasons related to local board input and community interest

Topic	Relevance	Local board input and reasons
Navigation Bylaw 2021	High community interest, no impact on local governance	Local boards will be informed of the review outcome. If any change is proposed, their views will be sought on any draft proposal and public feedback. Reasons: Changes to the bylaw may have impact on how people can safely navigate Auckland’s harbours, lakes and estuaries, and are therefore assessed as having high interest in some communities.
Waste Management and Minimisation Bylaw 2019	High community interest, no impact on local governance	Local boards will be informed of the review outcome. If any change is proposed, their views will be sought on any draft proposal and public feedback. Reasons: Changes to the bylaw may impact collection services or compliance obligations and are assessed as having high interest.
Food Safety Information Bylaw 2020	High community interest, no impact on local governance	Local boards will be informed of the review outcome. If any change is proposed, their views will be sought on any draft proposal and public feedback. Reasons: Changes to the bylaw may impact food business owners and in general, public perception of food safety in Auckland and are therefore assessed as having high interest in some communities.

Key timeframes are determined by project complexity and local board relevance

30. The staff assessment in Table 4 below shows the indicative review timeframes for each project by quarter. Each timeframe is largely determined by the complexity of the project, local board relevance, matters in scope, legislative requirements and best practice.

Table 4: Key bylaw review timeframes for each project

Year	2025				2026			
Project / Quarter	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Navigation	Discovery	Discovery	Findings	Options	Next steps based on findings and options decision			
Waste management	Discovery	Discovery	Findings	Options	Next steps based on findings and options decision			
Food safety information	Discovery	Discovery	Findings	Options	Next steps based on findings and options decision			

Key: = Discovery = Findings = Options

Staff recommend the Regulatory and Safety Committee initiate the review of all three bylaws in 2025

31. Staff recommend the committee initiate the review of bylaws related to navigation, waste management and food safety information in 2025, in accordance with the scope and timeframes in this report. This will enable the council to meet its statutory requirements, governance approach and best practice.

**Tauākī whakaaweawe āhuarangi
Climate impact statement**

32. This is a process report. Climate impact will be assessed as part of each project.

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

33. This is a process report. Input will be sought from affected units for each project.

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

34. The impact of the bylaws are of high community interest. Local boards will be informed of the review outcome and views sought on any draft proposal and public feedback in accordance with the collaborative governance model.

**Tauākī whakaaweawe Māori
Māori impact statement**

35. All three projects have relevance to Houkura (Independent Māori Statutory Board's) [Māori Plan for Tāmaki Makaurau](#) and the [Schedule of Issues of Significance](#) for Tāmaki Makaurau:

Table 5: Māori values and issues of significance

Project	Māori values and issues of significance
Navigation	Supports Māori values of Whanaungatanga (vibrant communities) and Manaakitanga (quality of life) by ensuring safe recreational and cultural activities on Tāmaki Makaurau’s navigable waters.
Waste management	Supports Māori values of Manaakitanga (quality of life) by providing regulations that support access to clean parks and reserves and sustainable energy use.
Food safety information	Supports Māori values of Manaakitanga (quality of life) by providing regulations that support access to clean and safe cafes, restaurants and food stalls.

36. Further impacts on mana whenua and mataawaka will be identified through research and engagement during discovery, public consultation and deliberations (if any) for each bylaw. Advice from Houkura will also be sought on consultation of any statements of proposal.

Ngā ritenga ā-pūtea Financial implications

37. The cost of the projects and their implementation will be met within the existing budgets.

Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

38. Risks identified in Table 6 below can be addressed through forward planning, project management, compliance with statutory requirements and best practice.

Table 6: Risks, impacts and possible mitigations of proposed bylaw reviews

IF <event>	THEN <impact>	Possible mitigations
Certain stakeholders do not believe their views have been sufficiently reflected in the review process and decisions.	There is a moderate reputational risk to council and low risk of judicial review.	Ensure statutory review process is closely followed, highlight evidence base for decision making.
If there are changes to the wider bylaw review programme that impact resource allocation.	There is a moderate risk of delays to project timeframes and expiry of the Navigation Bylaw.	Forward planning, early identification of stakeholders and clear advice of review parameters and timelines.
Staff identify other research, stakeholders or engagement that delays the completion of the project.		Best practice and careful project management.

Ngā koringa ā-muri Next steps

39. If approved, staff will progress the review of all three bylaws in accordance with the scope, local board input and timeframes identified in this report.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Authors	Bayllee Vyle - Senior Policy Advisor
Authorisers	Paul Wilson - Senior Policy Manager Louise Mason - General Manager Policy Rachel Kelleher - Director Community

City Centre Community Safety Plan update

File No.: CP2025/04734

Te take mō te pūrongo

Purpose of the report

1. To provide the Regulatory and Safety Committee with a progress update on the City Centre Community Safety Action Plan.

Whakarāpopototanga matua

Executive summary

2. The City Centre Community Safety Action Plan (the Plan) was endorsed by the Regulatory and Safety Committee in August 2024. This report provides an update on implementation progress, highlights, challenges and opportunities.
3. Key data indicates an improving or stabilising picture of safety indicators. NZ Police report a strong improvement in city centre safety over 2024. Crime prevention work is proving to be successful and crime reductions are linear across the year.
4. Increased presence of beat police and council's Community Safety Team; investment through the Local Crime Prevention Fund, and expansion of the Street Guardians programme are all contributing to a safer city centre.
5. Some of the ongoing challenges in the city centre include an increase in graffiti incidents, a concerning increase in drug usage as indicated in wastewater testing, housing deprivation and people experiencing homelessness.

Ngā tūtohunga

Recommendation/s

That the Regulatory and Safety Committee:

- a) tūtohi / receive the progress update on the City Centre Community Safety Action Plan.

Horopaki

Context

6. On 13 August 2024, the Regulatory and Safety Committee endorsed the [City Centre Community Safety Action Plan](#) (the Plan) (resolution [RSCCC/2024/56](#)).
7. The goal of the Plan is to make the city centre a safer, more welcoming place for everyone.
8. As a component of the broader City Centre Action Plan managed by Eke Panuku, the Plan is designed to effectively address crime and safety issues collectively. It outlines how council responds to key opportunities through service coordination and support; ensure unified backing from communities, businesses, and the public; and prioritises the well-being of our residents, workers, and visitors. Its purpose is to:
 - Strengthen the joint agency approach with clear roles, responsibilities and funded actions designed to deliver a safer city centre.
 - Give greater visibility to, and grow confidence in, collective work and progress.
 - Enable faster identification of gaps in the community safety work programme and adjust responses accordingly.

Item 9

9. The framework of the Plan recognises three areas of protection as outlined in the table below.

Table 1: Crime Prevention Through Environmental Design (CPTED) values

Protection through urban and special design	Protection through the management of the quarter / neighbourhood	Protection through social connectedness
Includes city planning with built-in safety feature principles. Helping to create urban spaces that are easy to navigate, with clear lines of sight; controlled access points and parking; ample lighting, and a well-connected infrastructure. This also highlights the visibility of Te Ao Māori and mana whenua within urban design.	Includes cooperation between mana whenua and mataawaka entities; housing providers (public and private); businesses and business associations; social and wellbeing agencies; youth / rangatahi organisations; police; council; educational institutions and economic development agencies.	Includes community and neighbourhood development; improving understanding and application of Te Tiriti principles; building greater awareness of mana whenua connection to this land; opportunities for positive interaction between our diverse ethnic communities; building and promotion of shared values and mutual trust between residents and visitors; active community and interest group networks.

10. The table below identifies the Plan’s key priorities for the first 6 - 12 months.

Table 2: Key Priority Areas of the Auckland City Community Safety Plan

1	Together for Tāmaki Makaurau Focuses on building collaboration, coordination, enhanced communication and data sharing between NZ Police, security, patrols and warden groups across the city centre. This includes realising the potential of physical safety hubs for city centre patrols to operate from.
2	Mental health, alcohol and drug harm prevention, and housing Working across the partnership to advocate for investment and service improvement in these critical areas of community support.
3	Resourcing of NZ Police Working across the partnership and with central government to advocate for adequate levels of resourcing for NZ Police in the city centre.
4	Community support and outreach Provide targeted investment into services that ensure social and wellbeing support can be provided to those in need.
5	Expansion of CityWatch Increasing the staffing of CityWatch from 6 to 18 personnel. This includes an expansion of their patrol area and times of day, and their ability to work with and support vulnerable people.
6	Audit of and investment in central city lighting Assess key areas of concern and identify opportunities for lighting improvements.
7	Enhanced CCTV monitoring Provide resourcing to increase live monitoring of city centre CCTV systems.

8	Night-time economy programme Implement relevant recommendations from the Tātaki Auckland Unlimited research into the city centre’s night-time economy, including those with a specific community safety impact.
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11. Below is a high-level summary of the protection measures taken and outcomes.

Table 3: Summary of protection measures undertaken and challenges recorded

Protection through urban and special design		Protection through the management of the quarter / neighbourhood		Protection through social connectedness	
Queen Street's new layout	✓	Police Victimization data	✓	Crime Prevention Programmes	✓
Upgrade of Myers Park	✓	City Centre Beat Watch	✓	Deprivation in the city centre	●
The Mayoral Drive end of Federal Street	✓	Public Safety and Nuisance requests	✓	Mental health and addiction	●
		Ram raids occurrences	✓		
		Graffiti incidents	●		
		Wastewater testing results	●		
		Housing and homelessness	●		

✓ Positive outcome ● Challenge

Tātaritanga me ngā tohutohu Analysis and advice

12. Evidence is showing positive movement in most areas. Where possible, comparisons are made taking the most recent data available and comparing it with the same data exactly a year ago. Context and limitations of the data must always be considered with such complex social issues.
13. The following table is a brief update of each priority area since the launch in June 2024 followed by updates on key measures where data is available.

Table 4: Updates on the Key Priority Areas of the Safety Plan

Priority	Update
1	Together for Tāmaki Makaurau
	<ul style="list-style-type: none"> <input type="checkbox"/> Systems for improved communications between NZ Police, Compliance and Safety wardens. A Push to Talk System was tested in the central city utilising CCTV Operators and patrolling staff. The test proved extremely effective and is moving toward a full operational trail with NZ Police. <input type="checkbox"/> Police are reviewing the potential to roll out to the wider security and safety network in the central city. This will include security companies, CPNZ, Māori Wardens, AT and Council. <input type="checkbox"/> LifeWise opened a new community base in Myers Park on 19 February 2025, leased from council.
2	Mental health, alcohol and drug harm prevention, and housing
	<ul style="list-style-type: none"> <input type="checkbox"/> The local Alcohol Policy is now enacted. A toolkit session was conducted with council staff around the practical implications of the policy.

Item 9

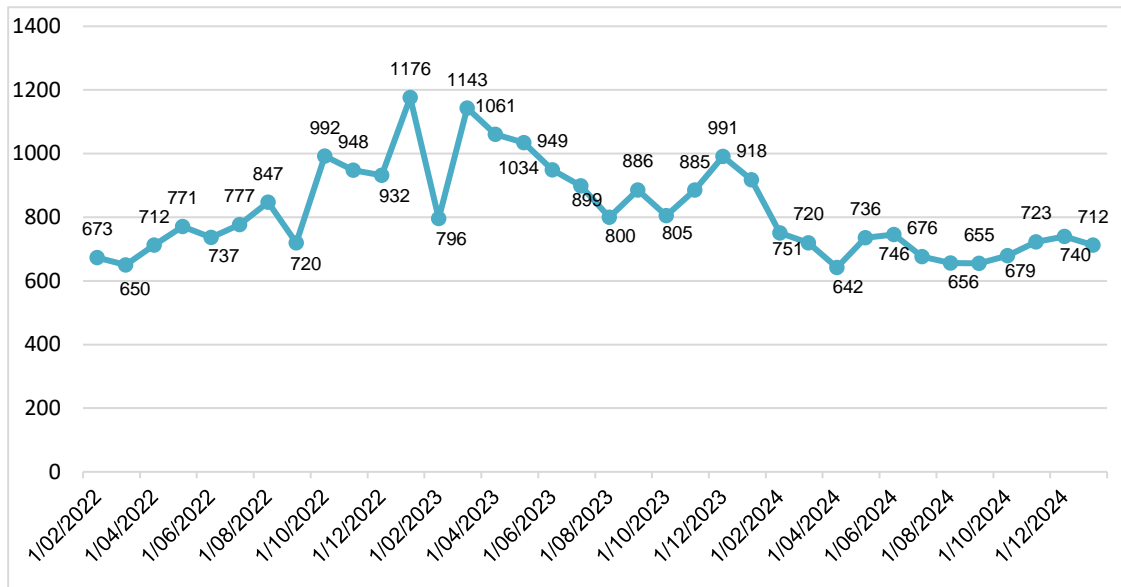
Priority	Update
3	Resourcing of NZ Police
	<ul style="list-style-type: none"> <input type="checkbox"/> A new NZ Police base for the city centre has been announced, with plans to open a public counter there by mid-2025. <input type="checkbox"/> There are now 51 beat positions in the city centre through operation Safer Streets. This is now business-as-usual resourcing. <input type="checkbox"/> NZ Police are undertaking an evaluation of the deployment of beat policing teams in Auckland, Wellington, and Christchurch.
4	Community support and outreach
	<ul style="list-style-type: none"> <input type="checkbox"/> Investment into the city centre outreach workers and specialised social worker at Auckland City mission. <input type="checkbox"/> The recruitment has been completed and the social worker has commenced. <input type="checkbox"/> The two outreach workers have also been recruited and have commenced. <input type="checkbox"/> Redesign of service at central library to better meet the needs of clients in need of social support. <input type="checkbox"/> Manaaki Tangata, a new well-being space has been activated for homeless tangata, funded by Eke Panuku and Auckland Council.
5	Expansion of CityWatch
	<ul style="list-style-type: none"> <input type="checkbox"/> CityWatch has been replaced by a larger Community Safety Team following the initial funding through the Mayor's Office. It now has 18 wardens dedicated to the central city through the targeted rate for a further two years (18 months remaining).
6	Audit of and investment in central city lighting
	<ul style="list-style-type: none"> <input type="checkbox"/> A CPTED review of High Street has been completed and will contribute to the plans for revitalisation.
7	Enhanced CCTV monitoring
	<ul style="list-style-type: none"> <input type="checkbox"/> There are three CCTV operators based with Auckland Transport in Fanshawe Street. The camera network monitor the central city, seven days a week. They proactively observe hot spots for anti-social behaviour across the city and quickly direct compliance wardens and compliance staff to issues. They also alert police to crime related issues.
8	Night-time economy programme
	<ul style="list-style-type: none"> <input type="checkbox"/> Night-time economy project manager has been recruited through Tātaki Auckland Unlimited

Overview of NZ Police victimisation data: victimisation time and place

14. Data for January 2025⁴ shows that total victimisation incidents in the city centre decreased by 22 per cent from the same period in 2024. This is a 39 per cent decrease in total victimisation incidents in the city centre since its peak in January 2023. A month-to-month decrease of 0.4 per cent is noted from 1 December 2024 to 1 January 2025.

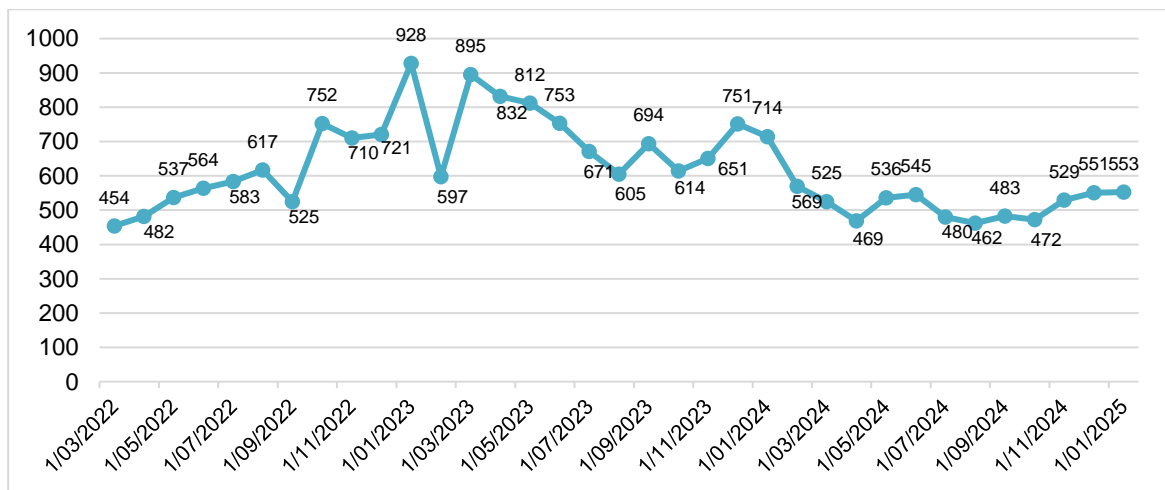
⁴ <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place>

Figure 1: Total victimisation incidents from January 2022 to January 2025 in the city centre



15. Data for January 2025⁵ shows incidents of theft and related offences in the city centre decreased by 22 per cent from the same period in 2024. This is a 40 per cent decrease in incidents since its peak in January 2023. An increase of 0.4 per cent was recorded from 1 December 2024 to 1 January 2025.
16. Most incidents of theft and related offences occurred during the hours of 11am and 4pm and Saturdays, Sundays, Mondays had the highest occurrences.

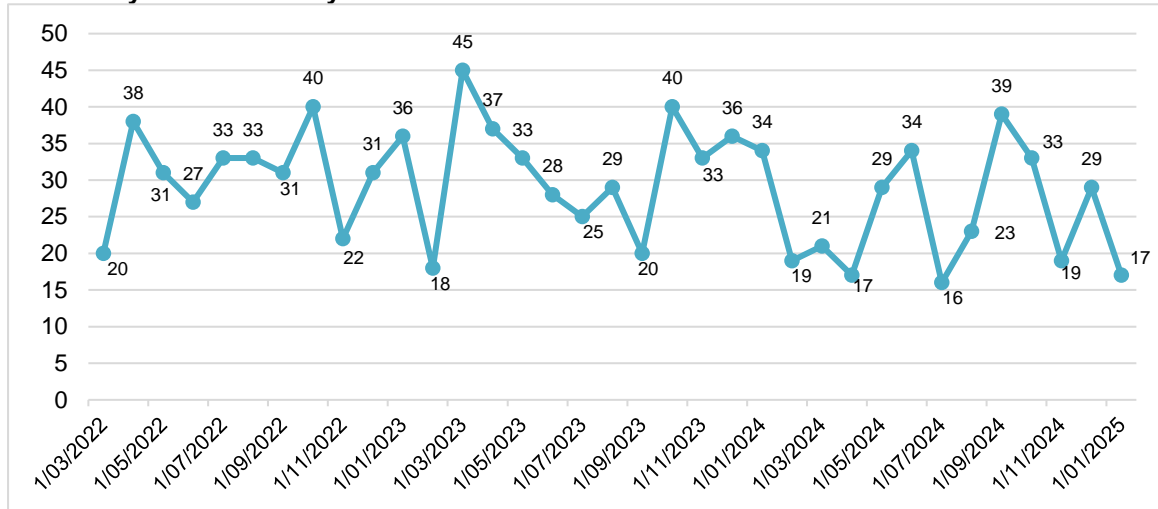
Figure 2: Incidents of theft and related offences in the city centre from January 2022 to January 2025 in the city centre



17. Incidents of serious assaults resulting in injury in the city centre for January 2025⁶ have decreased by 50 per cent from the same period in 2024. This is a 62 per cent decrease in incidents since its peak in March 2023. Also, a month-to month decrease of 41 per cent was recorded from 1 December 2024 to 1 January 2025.
18. Serious assault occurrences were more prevalent on a Saturday and Sunday between the hours of 1am and 4am.

⁵ <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place>
⁶ <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/victimisation-time-and-place>

Figure 3: Incidents of serious assaults resulting in injury in the city centre from January 2022 to January 2025 in the city centre



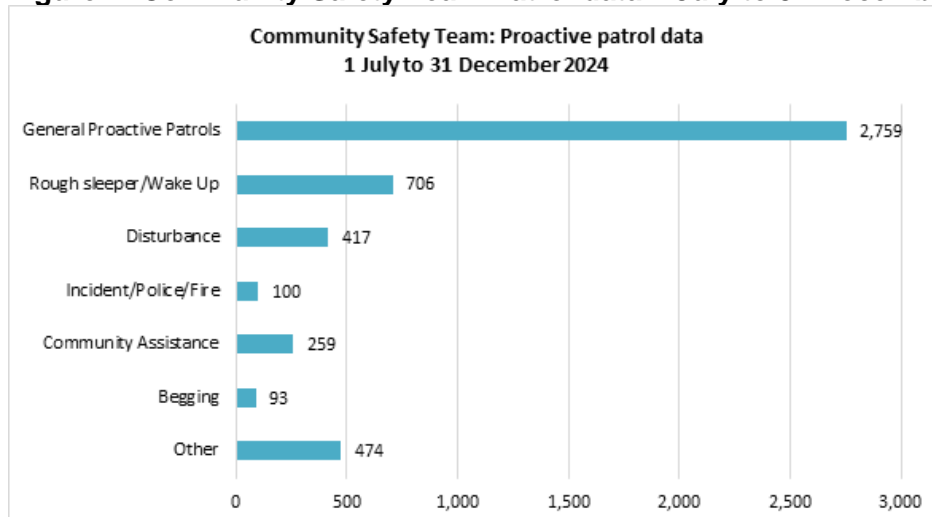
City centre beat watch

19. NZ Police report a strong improvement in city centre safety over 2024. Engagement with the community and the “back to basics” crime prevention approach is proving successful.
20. The following areas have been identified for focus in 2025:
 - Theft in the retail environment. This is currently the number one crime type in the city centre. Retailers report, for multiple reasons, people coming into the city specifically to steal from retailers in an organised fashion.
 - Reduction in violent crime. The work in this space involves police deploying staff to specific locations and specific times to prevent assaults occurring. Police are also looking for offenders who are involved in multiple incidents and then doing location-based work at the most regular spots.
 - Engaging with youth. This is a current focus due to young people being more likely to be the victims of crime in the city centre.

Public safety and nuisance requests for service in the city centre

21. Auckland Council compliance data from 1 July 2024 – 31 December 2024 related to public safety and nuisance in the city centre was analysed. It included Request for Service (RFS) as well as the Community Safety Teams’ proactive findings.

Figure 4: Community Safety Team Patrol data 1 July to 31 December 2024



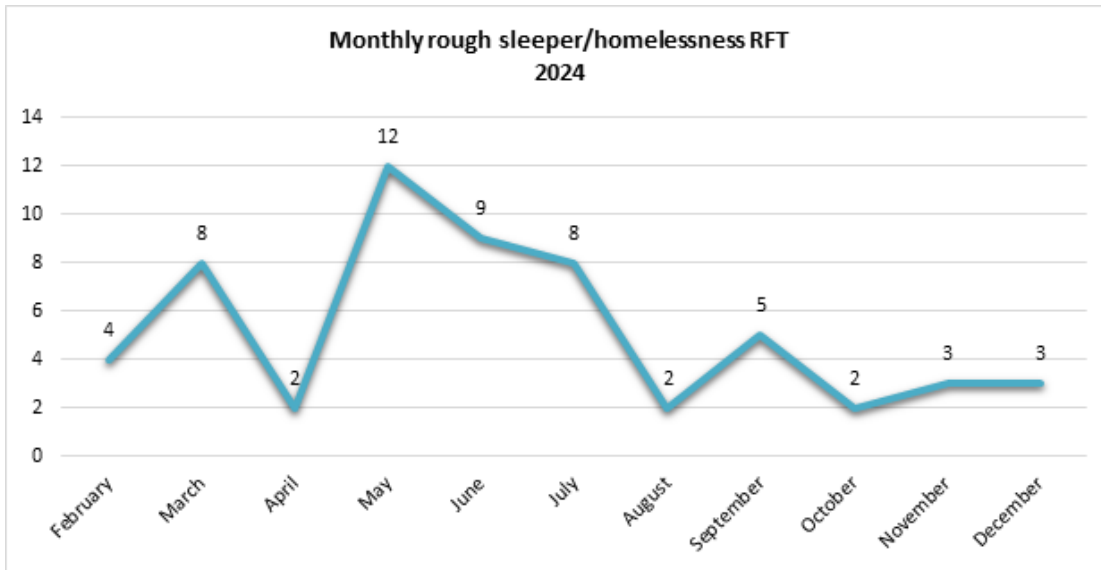
22. The most common activity logged is proactive general patrols where nothing of concern / no major issue was identified. The compliance teams log a job when they complete a patrol at a hotspot or location of interest, and in over half (approximately 58 per cent – 2759 logged) of the entries, no issue was found at the time of the patrol. This activity provides public visibility and reassurance.
23. The most common patrol activity (approximately 15 per cent - 706 incidents logged) was interactions with rough sleepers or street whānau. This could include wake ups, making referrals to social service agencies or providing other support. At least nine per cent (417 incidents logged) of all Community Safety Team Patrol interactions involved responding to or reporting a disturbance. This can include alcohol or drug use vandalism, anti-social behaviour including people yelling or being disruptive, harassment of public or staff, and non-compliance with requests.
24. An additional two per cent (100 incidents logged) involved incidents that potentially required support from NZ Police or Fire and Emergency New Zealand (FENZ). These included shoplifting or theft, indecent behaviour, aggressive behaviour, intimidations, people under the influence being erratic, accidents, death and missing person reports.
25. Approximately five per cent (259 incidents logged) of all tasks were community assistance. This can range from helping people find locations, directions, calling taxis, checking on people’s health, and responding to public enquiries or complaints on the ground.
26. Other tasks include helping report or attending to maintenance/hazard events, protesters, skateboarders, obstructions, aggressive begging, selling or performing without a permit, education and moving people along.
27. Between July and December 2024 there were 42 Requests for Service (RFS) regarding public safety and nuisance in the city centre. This is a 21 per cent reduction in RFS since the previous report (February – June 2024).

Table 5: Requests for Service regarding public safety and nuisance in the city centre July to December 2024

Job Type	Total Number
Public Safety and Nuisance Bylaw - Freedom Camping	5
Public Safety and Nuisance Bylaw - Homelessness	23
Public Safety and Nuisance Bylaw - Other	11
Public Safety and Nuisance Bylaw - Signage Obstruction	1
Public Safety and Nuisance Bylaw - Fireworks	1
Public Safety and Nuisance Bylaw - Skateboarding in Public Space	1

28. This decrease in public reporting may be the result of the increased presence of the Community Safety Team and beat policing. Increased street presence may have meant fewer calls to the council contact centre. This is evident in the types of proactive jobs logged, which include close to 300 jobs where members of the public have come up to the officers asking for assistance or informing them about an issue.
29. Approximately 55 per cent of the RFS were for ‘Homelessness’ related jobs. The most common streets for “Homelessness” complaints were Karangahape Road (six), Union Street (two) and Wyndham Street (two). However, approximately 12 per cent of the jobs related to ‘Homelessness’ complaints at one address on Karangahape Road and all were reported in July.
30. The complaints regarding ‘Homelessness’ RFS related to feeling unsafe and concerns about the rubbish, alcohol use, hygiene, dogs and mess.
31. Request for service data shows a drop from eight ‘Homelessness’ complaints in the city centre in July 2024 to a total of three in December 2024.

Figure 5: Monthly rough sleep/homelessness requests for service 2024



32. Along with a focus on enhanced safety and security, the Plan identifies improved social and wellbeing outcomes for rough sleepers and vulnerable residents as a key objective. This includes a focus on early intervention by compliance officers and wardens, who have helped to assist 36 rough sleepers from the city centre into accommodation this year through referrals to social housing agencies.

Ram raids

33. Ram raids are defined as incidents in which a vehicle is used to enter a retail or commercial premise for the purpose of facilitating a crime. Ram raids are a particular method of offence and a subset of the wider set of serious victimisations that occur in retail and commercial locations that include assaults, robbery and burglary.
34. Central government recently removed proposed legislation aimed at reducing ram raid burglaries and will focus on creating faster, stronger and more targeted responses to repeat young offenders committing the most serious offences.

Table 6: Ram raid occurrences in Auckland City from 2022 to 2024

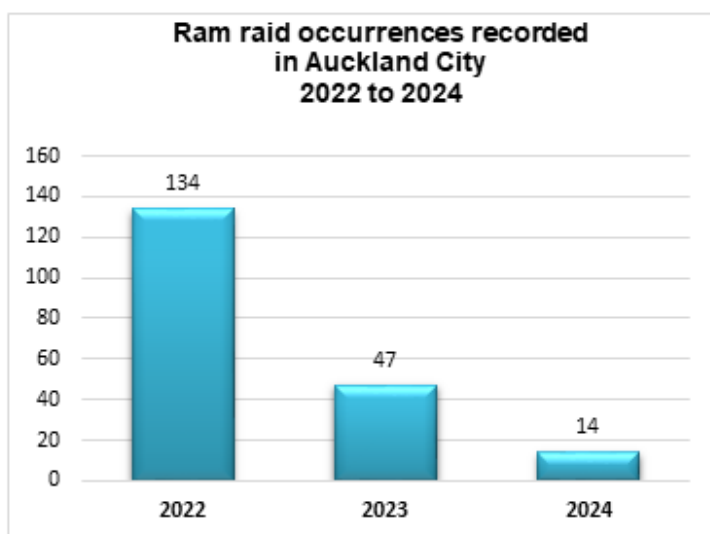


Figure 6: Ram raid occurrences Auckland City district 2022 - 2024

Year	Month	Number of occurrences in Auckland City
2022	Total	134
2023	Total	47
2024	Jan 2024	3
	Feb 2024	3
	Mar 2024	3
	Apr 2024	3
	May 2024	1
	Jun 2024	
	Jul 2024	1
	Aug 2024	
	Sep 2024	
	Oct 2024	
	Nov 2024	
	Dec 2024	
	Total 2024	14

35. A total number of 171 prosecutions were made in Auckland City police district since January 2022 and nearly half of these prosecutions (86) were youth referrals.

Crime prevention programmes are making an impact

36. The establishment of new community police beat teams and the launch of Operation Safer Streets in late 2024 aimed to target anti-social behaviour and crime in the city centre. This investment is now permanent.
37. The additional 21 police staff provide increased support in the busiest locations, from Karangahape Road, to downtown and along the viaduct. Increased visibility deters crime and encourages a sense of safety through positive engagement with the public and business owners.

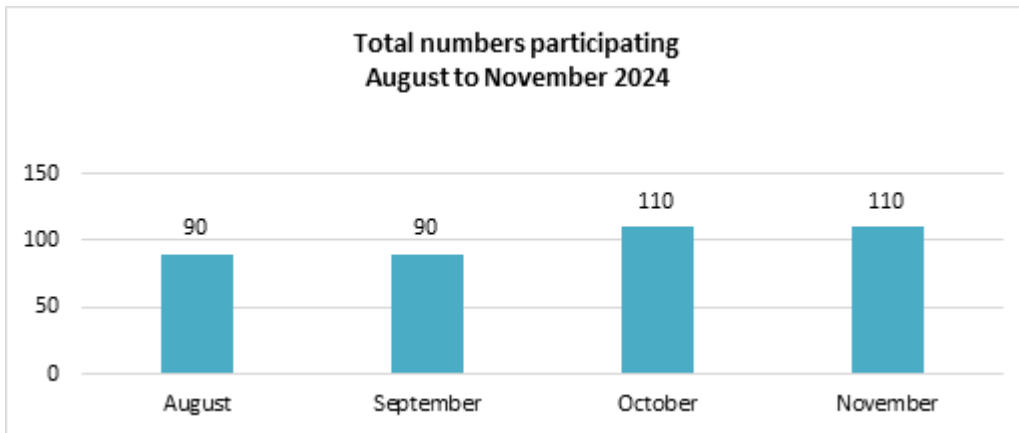
Local Crime Prevention Fund

38. In February 2023, the New Zealand Government allocated \$2 million from the Proceeds of Crime Fund to invest in community safety initiatives in Auckland, to be administered through Auckland Council.
39. Funding was distributed between Business Improvement Districts (BIDs) and local boards. Regionally, \$1 million was allocated to BIDs based on their previous safety and security expenditure, and \$1 million to local boards based on the Locally Driven Initiative (LDI) distribution model (a calculation of population, demographics and land area).
40. The objective of the programme was to address the impact of retail and youth crime through a regional investment into Crime Prevention through Environmental Design (CPTED) initiatives. The areas of focus for the funding were town centres and programmes that could reduce the risk and impact of youth offending. A summary of the programme has been provided to the Regulatory and Safety Committee by way of memorandum.

Street Guardians

41. Street Guardians provide a twice-weekly opportunity for the street community to spend a day doing activities with community organisations – from fixing bikes and building planter boxes to planting trees and cleaning beaches. The programme is popular, with most weeks oversubscribed, leading to weekly waitlists at Auckland City Mission, who are responsible for delivering the programme. Participants are offered a koha for their time.

Figure 7: Street Guardians total numbers participating from August to November 2024



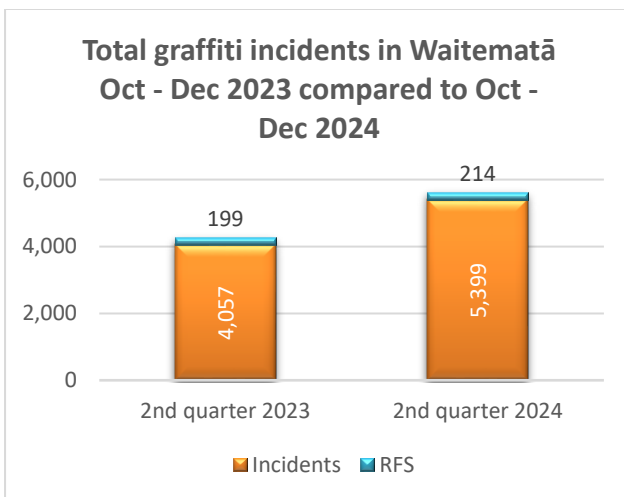
42. A total number of 400 participants participated during August to November 2024 in this programme. Of these participants, 85 per cent were male and 77 per cent identified as Māori.

Challenges

Graffiti incidents

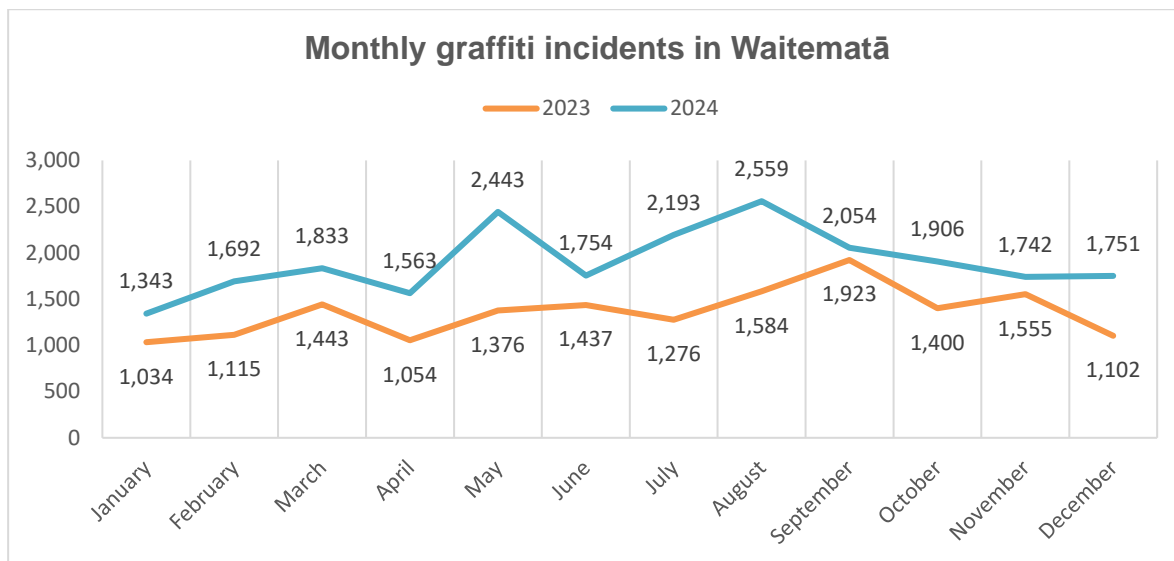
43. Graffiti incidents increased by 33 per cent from the second quarter of 2023 and the number of RFS that come through the customer call centre increased by 7.5 per cent. It should be noted that an increase of graffiti incidents has been reported in the wider Auckland area.
44. The data provided is for the Waitematā Local Board area. Poster and sticker removal was included to the central contract in June 2024, and this impacted incident numbers and the workload of the contractor. The inclusion of graffiti removal inside public toilets has also increased incident numbers.

Figure 8: Total graffiti incidents in Waitematā from October to December 2024



45. When comparing monthly graffiti incidents for 2023 and 2024, it can be noted that from an all-time high in incidents in August 2024 (2559) there has been a steady decline since. The decline in incidents could be a result of new contractor foot patrols.

Figure 9: Monthly graffiti incidents in Waitematā for 2023 and 2024



Item 9

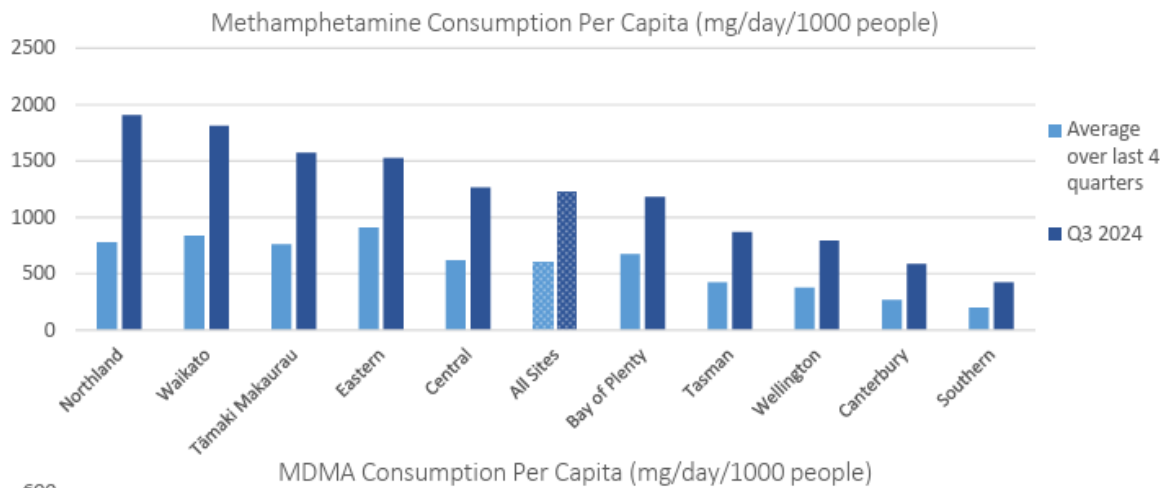
Mental health and addiction linked to higher crime levels

46. Mental health and addiction are closely linked to higher crime levels, as untreated mental illnesses and substance abuse can impair judgment, increase impulsivity, and lead to risky or illegal behaviour. People struggling with addiction may resort to theft, violence, or other criminal activities to sustain their substance use, while those with severe mental health disorders may act out due to distress or lack of proper care.
47. A significant percentage of individuals involved in offending or anti-social behaviour in the city centre are impacted by one or multiple issues of poor mental health and substance addiction.
48. Without adequate support, such as access to mental health services and addiction treatment, these issues can contribute to cycles of crime, incarceration, and relapse, further straining communities and the justice system. Further analysis of the state of, and gaps in the overall support system across Auckland is required.

Significant increase in drugs in wastewater testing

49. The National Drugs in Wastewater Testing Programme provides a measure of national illicit drug consumption by detecting methamphetamine, methylenedioxymethamphetamine (MDMA) and cocaine in wastewater.
50. Testing for the quarter ending in September 2024 revealed significant annual increases in all three substances, and a particularly dramatic increase for methamphetamine.
51. Northland and Waikato have the highest consumption across New Zealand of the three substances per capita, followed closely by Auckland and the eastern districts.
52. Several factors may explain why some regions exhibit higher consumption per capita than others. Pricing of illicit substances plays a significant role, with Auckland reporting the lowest gram prices for methamphetamine.

Figure 10: Methamphetamine consumption per capita (mg/day/1000 people)



High levels of deprivation are found in the city centre

- 53. The New Zealand deprivation index is an index of socioeconomic deprivation based on census information. The higher the deprivation decile, the more socioeconomically deprived the area with one representing least-deprived areas, and 10 representing most deprived areas.
- 54. The index is created by the University of Otago from census variables across eight dimensions: communication, income, employment, qualifications, home ownership, support, living space and dwelling condition.
- 55. According to 2023 Census data, a higher percentage of deprivation level seven to nine are found in the city centre. A total of 41 per cent of people residing in the city centre are aged 15 – 29 years and a high number of students. However, as people aged 30 to 64 years represent 46.6 per cent of the city centre’s population young people or students are not the only group influencing the high deprivation levels in the city centre.

Figure 11: Percentage of socio-economic deprivation in Auckland city centre compared with total New Zealand

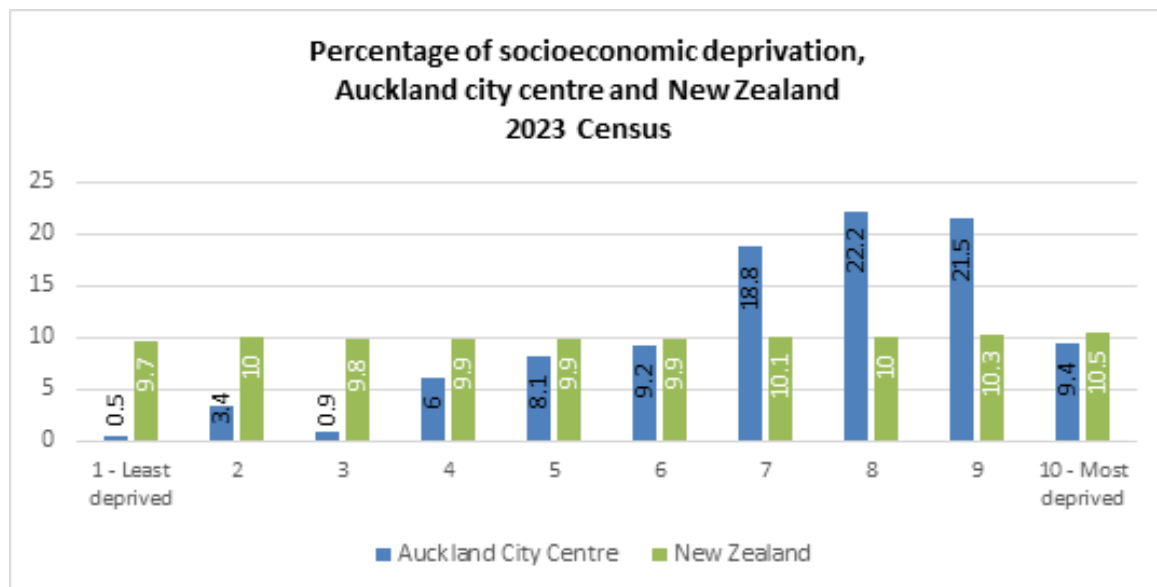


Table 7: Deprivation level per area

Area	Deprivation level
Hobson Ridge Central	9
Symonds Street North West	9
Symonds Street West	9
Symonds Street East	9
Hobson Ridge North	8
Queen Street	8
Quay Street-Customs Street	8
Hobson Ridge South	8
Queen Street South West	8
Auckland-University	8
Karangahape East	7
Anzac Avenue	7
The Strand	7
Victoria Park	6
Shortland Street	5
Karangahape West	4
Wynyard-Viaduct	2

Housing deprivation and people experiencing homelessness

56. Homelessness statistics for Auckland have increased substantially since 2018, indicating that current measures to address homelessness are insufficient. Current data collected locally indicates a 53 per cent increase in unsheltered sleeping in the last four months.
57. Addressing homelessness is a high priority for the city centre, and safety for our most vulnerable communities is different from the rest of the population. Responses need to be tailored to unique needs. The data available are those from city centre outreach teams and compliance, and both of those put numbers at 30 – 40 individuals in the city centre. These numbers are fluid and a guideline only.
58. Work is currently underway with a project that will help capture numbers of people experiencing homelessness, but it is a long-term project that requires multiple stakeholders to align.
59. Central government has set a target to reduce emergency housing by 75 per cent by 2030 and has already exceeded that in Tāmaki Makaurau. As of the end of January 2025 there was only one household in emergency housing in the city centre.

Table 8: A summary comparison of the Auckland homelessness statistics between April 2018 and at the end of November 2024

Areas	Figures at April 2018	Figures at November 2024
Auckland households in emergency housing	221 representing 23 per cent of the national figure	60 (down from 885 Nov 2023) – representing 9 per cent of the national figure
Individuals on the public housing wait list in Auckland	3417 (48 per cent of whom are Māori), representing 42 per cent of the national figure	6820 (47 per cent of whom are Māori) – representing 32 per cent of the national figure
Auckland households in transitional housing	901 - representing 42 per cent of the national figure.	2799 – representing 44 per cent of the national figure

Areas	Figures at April 2018	Figures at November 2024
New applicants in October to the social housing register	Nil data	1857
Applicants on the social housing register nationally	8108	20,834
Applicants on the transfer register	1819	4707

Tauākī whakaaweawe āhuarangi Climate impact statement

60. As this report is for the purpose of updating on progress, it has no impact on Te Tāruke-ā-Tāwhiri Auckland’s Climate Plan.

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

61. A significant number of council teams and CCOs influence community safety outcomes. They contribute to and are accountable for a range of activities in the safety plan. Council teams and CCOs providing input into, and delivery of the safety plan include:

- Proactive Compliance
- Community Partnerships and Investment
- Regional Homelessness Lead
- Parks and Community Facilities
- Office of the Mayor
- City Centre Programmes
- Community Action on Youth and Drugs (CAYAD)
- Central Hub – Central Library and Ellen Melville Centre
- Eke Panuku
- Auckland Transport
- Tātaki Auckland Unlimited.

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

62. Improving public safety and perceptions of safety is recognised by the Waitemātā 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).

63. The local board received a written and verbal update in the progress of the Plan from the Community Partnerships and Investment team at a workshop on 4 March 2024.

Tauākī whakaaweawe Māori Māori impact statement

64. Recognising and supporting the role of mana whenua and their cultural and historical bonds to the land are an important element of a safe and thriving city centre.

65. Key areas of focus for improved outcomes in the Plan include:
- Support Māori-led organisations - partner with Māori-led organisations to deliver programmes that support safe communities and well-being.
 - Iwi engagement - ensure that council and partners are engaging iwi in policy and direction setting for safety in the central city.
 - Visibility - ensure that Te Ao Māori is visible in the urban design and planning of the physical environment in the central city.
 - Ngāti Whātua Ōrākei and Houkura - IMSB reviewed and provided feedback on the Plan.

Ngā ritenga ā-pūtea Financial implications

66. Services and programmes provided by Auckland Council are generally funded through the Long-term Plan budget or at the local level through the local board work programme.
67. The City Centre Targeted Rate (CCTR) is providing an additional \$2 million per financial year until July 2026 to support extended investment into community safety and social wellbeing initiatives in targeted areas.
68. Services led by partner organisations are a mix of either fully funded, partially funded or volunteer led programmes. The funding status is outlined in the Plan.
69. There are no additional financial implications for the Regulatory and Safety Committee in relation to receipt of this report.

Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

70. An Advisor Community Safety Outcomes has been appointed to monitor the delivery and outcomes of the Plan, which includes reporting on risks and challenges regarding achievement of key outcomes.
71. A regular reporting cycle provides oversight of progress and updates to the governance, advisory and service delivery partners. This process supports timely risk mitigation.

Ngā koringa ā-muri Next steps

72. To maintain momentum and ensure measurable progress, the next update on the implementation of the Plan will be made in July 2025. This will allow sufficient time for meaningful developments and for more in-depth analysis of the current indicators.
73. A targeted rate investment review will be provided for the May 2025 meeting of the City Centre Advisory Panel providing a more thorough analysis of the impact of those targeted interventions.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Authors	Duncan McLaggan - Manager Community Partnerships and Investment Anita van der Veer - Advisor Community Safety Outcomes
Authorisers	Kenneth Aiolupotea - General Manager Community Wellbeing Rachel Kelleher - Director Community

Summary of Regulatory and Safety Committee information memoranda, workshops, and briefings (including the Forward Work Programme) - 1 April 2025

File No.: CP2025/03992

Item 10

Te take mō te pūrongo Purpose of the report

1. To receive a summary and provide a public record of memoranda, workshops and briefing papers that have been distributed to the Regulatory and Safety Committee.
2. To 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 Safety Committee members via memoranda, workshops and briefings, where no decisions are required.
4. The following information items have been distributed:

Date	Subject
20.3.25	Memorandum: Advice on regulating vaping in Auckland through a bylaw
20.3.25	Resource consents appeals status report

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 Safety Committee:

- a) whiwhi / receive the Summary of Regulatory and Safety Committee information memoranda, workshops and briefings – 1 April 2025.
- b) tuhi tīpoka / 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 Safety Committee Forward Work Programme - 1 April 2025	33
B	Advice on regulating vaping in Auckland through a bylaw (memorandum)	43
C	Resource consents appeals status report	53

Ngā kaihaina Signatories

Author	Phoebe Chiquet-Kaan - Governance Advisor
Authoriser	Rachel Kelleher - Director Community

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 (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
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 at the Regulatory Committee 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												

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. Progress to date: Resource Consents Appeals: Status Report 4 February 2025 – 4 February at the Regulatory and Safety Committee Link to decision													

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
Boarding House Inspections and options for registration Licensing and Regulatory Compliance	Update on the Auckland proactive boarding house inspections programme, and consideration of options for boarding house registration.	Information purposes and to inform next steps / further direction from the committee. 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												
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												
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 at the Regulatory and Community Safety Committee Link to decision Gambling Venue Policies Review 2023 – 5 March 2024 at the Regulatory and Community Safety Committee Link to decision												

Item 10

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
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>												
<p>Dangerous Dams Policy Building regulations</p>	<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 – 5 March 2024 at the Regulatory and Community Safety Committee Link to decision Decision to adopt dangerous dams policy – 9 April 2024 at the Regulatory and Community Safety Committee 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 – 9 April 2024 Regulatory and Community Safety Committee 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. Progress to date: Objection to stormwater works at 116A Forrest Hill Road – 4 February 2025 at the Regulatory and Safety Committee Link to decision Objection to stormwater works at 78 Onewa Road – 4 February 2025 at the Regulatory and Safety Committee Link to decision												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

Item 10

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
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

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: Options in response to review of Indoor Domestic Fires Bylaw – 4 April 2023 at the Regulatory and Safety Committee It was recommended that the bylaw be allowed to expire as it added no regulatory value. Link to decision	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: Signage Bylaw 2015 Review High-Level Options Report – 13 October 2020 at the Regulatory Committee Link to decision Findings from further investigation of regulatory options to reduce alcohol signage outside off-license premises – 27 June 2023 at the Regulatory and Safety Committee 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-license premises’ in Attachment A of this agenda report. b) ohia / endorse the Auckland District Licensing Committee Practice Note on off-license advertising as the most appropriate option to reduce alcohol advertising outside off-license 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-license advertising the following: <ul style="list-style-type: none"> 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-license 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 Waste Management and Minimisation Bylaw Control – 5 December 2023 at the Regulatory and Community Safety Committee 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><i>Process and timeline clarified with Auckland Transport.</i></p> <p><i>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.</i></p> <p>Findings from joint review of Auckland's traffic-related bylaws – 2 July 2024 at the Regulatory and Community Safety Committee Link to decision</p> <p><i>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</i></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. – 2 July 2024 at the Regulatory and Community Safety Committee Link to decision</p> <p><i>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.</i></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 at the Regulatory and Community Safety Committee Link to decision</p> <p>Findings from review of Council's policy and bylaw on dogs – 2 July 2025 at the Regulatory and Community Safety Committee Link to decision</p> <p><i>Prepare options report and proposal on improvements in response to the findings for consultation in 2025.</i></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 05/03/25

Item 10

Attachment A



Memorandum

20 March 2025

To: Regulatory and Safety Committee

Subject: Advice on regulating vaping in Auckland through a bylaw

From: Ben Brooks, Senior Policy Manager, Social Wellbeing Policy

Contact information: ben.brooks@aucklandcouncil.govt.nz

Purpose

1. To respond to a request for advice from the Regulatory and Safety Committee on regulation of vaping in Auckland.

Summary

2. The Regulatory and Safety Committee has made two requests of staff regarding youth vaping:
 - a) investigate a ban of vaping in council owned open spaces.
 - b) investigate and draft a bylaw or amend an appropriate bylaw to restrict from external view any R18 vape products in a specialist vape retailer.
3. Youth vaping rates rose significantly between 2019 and 2021 but have now started to decline across genders and ethnic groups.
4. Auckland Council's position is that vaping is an effective smoking cessation tool, but it does not support vaping by young people or non-smokers (see Auahi Kore Hapori Whānui: Action for Smokefree Communities). As such, the council supports measures that are effective in reducing youth vaping without creating unreasonable barriers for smokers wishing to use vaping to stop smoking.
5. The council is able to make bylaws but must meet certain requirements to do so. A bylaw to ban vaping in open spaces would require sufficient evidence of the negative effects on public health. Current evidence is not sufficient to meet the requirements for a bylaw.
6. Alternatively, the council would need to be satisfied that vaping in a public place is likely to cause a public nuisance. While there is no definition of 'nuisance' in the Local Government Act, our advice is that the definition of nuisance in the Health Act 1956 creates a threshold that is unlikely to be met.
7. Similarly, there is insufficient evidence of a direct connection between visibility of vaping and an increase of vaping rates in young people, which are decreasing overall.
8. Given this, staff recommend that the council continue to focus on supporting central government actions to reduce youth vaping.
9. Central government is currently progressing the Smokefree Environments and Regulated Products Amendment Bill (No 2) (the Bill), which would largely address the issues raised in point 2. b) above. Therefore, staff recommend that no further action is taken on this issue at present, noting the council has already made a submission in support of the Bill.

Page 1



Context

10. The topic of vaping, and particularly concerns around youth vaping, has been raised at two separate Regulatory and Safety Committee (the Committee) meetings, on 5 September 2023, and 12 February 2024.
11. At the 5 September 2023 meeting of the Committee, staff gave a presentation in response to a request for information about vaping in Auckland and the council's powers to regulate it.
12. Staff confirmed the council's previous approach to concerns about youth vaping has been to advocate to central government, as the regulator in this area, for tighter restrictions on the sale and use of vaping products. The Committee then resolved (resolution [RSCCC/2023/39](#)) to request staff investigate banning vaping in council owned open spaces.
13. On 12 February 2024, the Chair of the Committee introduced a Notice of Motion requesting that staff investigate restricting the display of vaping products in specialist retailers through a bylaw. The Committee passed resolution [RSCCC/2024/4](#) to this effect.
14. As this was unscheduled work it was negotiated with the Chair of the Committee that it would be added to the existing work programme and reported to the Chair by the end of 2024 to avoid disrupting other activities.
15. An earlier version of this memorandum was provided to the Chair of the Committee in late 2024. This memorandum has been updated to reflect new data on youth vaping.

Background

Auckland Council supports vaping as a smoking cessation tool for adults, but not youth

16. Auckland Council has endorsed the vision of a smokefree Tāmaki Makaurau by 2025¹. Our key plans for achieving this vision are the Implementation Plan of the Smokefree Policy 2017–2025 (the Plan) and Auahi Kore Hāpori Whānui 2019 (Auahi Kore).
17. There is strong evidence that vaping is an effective smoking cessation tool², and is playing a role in empowering Auckland to become smokefree by 2025.
18. The council recognises vaping products as an effective quit tool for adult smokers but does not support its use by non-smokers or youth.
19. Research has shown that vaping is almost twice as effective in helping people quit than stop smoking medicines (nicotine patches, gum, lozenges, inhaler, or mouth spray).¹
20. Therefore, it is important to balance the objective of preventing and reducing youth vaping with avoiding unnecessary barriers to people who smoke using or considering using vapes for this purpose. As evidence continues to emerge, council staff will monitor new findings and update the policy advice as required.

Adult smoking rates are dropping at the same time as adult vaping rates are rising

21. In the past five years, the Auckland region has experienced a significant increase in specialist vape stores, reflecting a broader national trend.² In 2024, New Zealand had over

¹ Note that this vision was developed by the government but has been endorsed by council. At present New Zealand is close to but has not yet achieved the target. The government has already signalled the development of a new Smokefree Action Plan by the end of the year.

² www.vapingfacts.health.nz/vaping-to-quit-smoking/

¹ Health Research Council New Zealand, 2019.

² Ministry of Health, Regulatory impact statement, 2024.



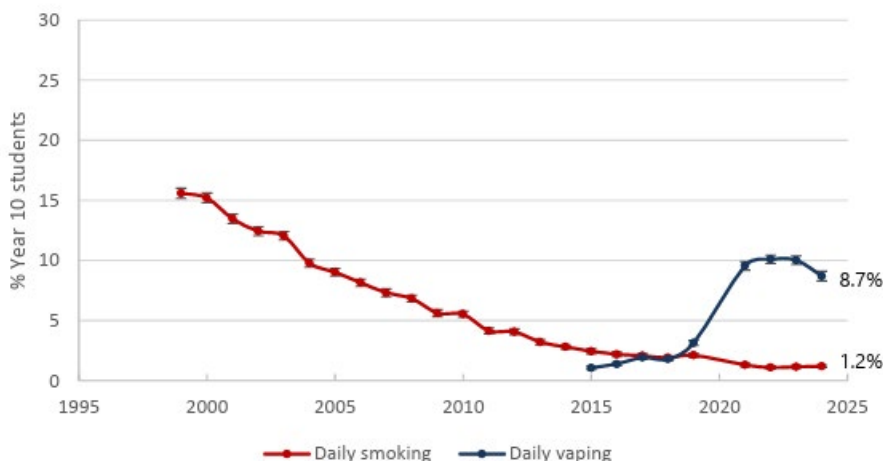
1000 registered retailers of specialist vape products, with Auckland alone hosting 490 of these outlets.³

- 22. While adult smoking rates have declined, adult vaping prevalence has more than doubled, increasing from 3.3 per cent in 2018/19 to 11.1 percent in 2023/24.⁴
- 23. This is consistent with the use of vaping as a smoking cessation tool and a substantial reduction in harm from tobacco use.
- 24. In Auckland, Māori and Pacific communities have the highest smoking prevalence. Reducing smoking among these target groups will help address health inequities and improve whānau/fanau wellbeing. The NZ Health Survey (2023/2024 pooled data) also shows that the highest percentage of daily vapers who are ex-smokers are Māori and Pacific peoples.⁵

Youth vaping rates rose dramatically but have started to decline again

- 25. Youth daily vaping rates rose dramatically between 2019 and 2021, peaking around ten per cent.⁶ However, rates have stabilised in the last two years and showed the first decrease in 2024 (see Figure 1).

Figure 1. Youth daily smoking and vaping rates⁷



- 26. Regular vaping among youth also rose dramatically, peaking at just over 20 per cent in 2021. However, rates have dropped sharply in both of the last two years, falling to 14.1 per cent in 2024 (see Figure 2).

³ Health Advisory and Regulatory Platform, note that this platform is no longer publicly available so we do not have more up to date data.

⁴ Ministry of Health, New Zealand Health Survey, 2024.

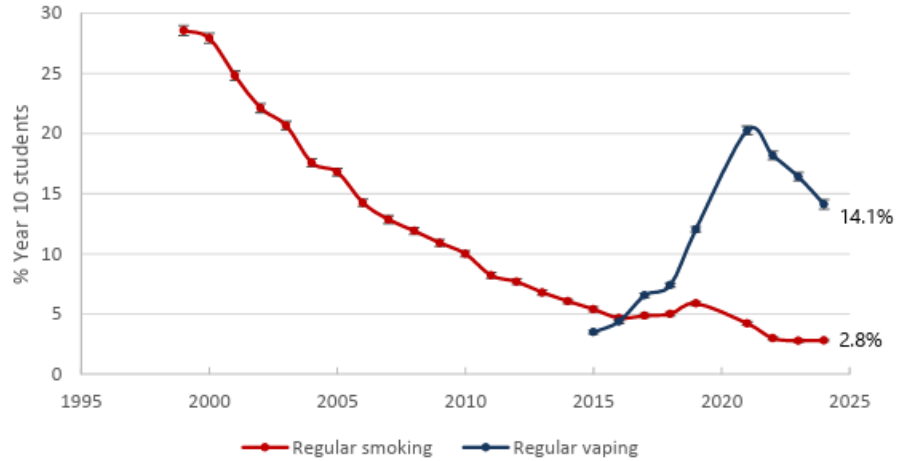
⁵ Ministry of Health, Smoking Status of Daily Vapers: New Zealand Health Survey 2017/18 to 2023/24, 2023.

⁶ 2023 ASH survey of Year 10s (aged 14-15).

⁷ 2023 ASH survey of Year 10s (aged 14-15).

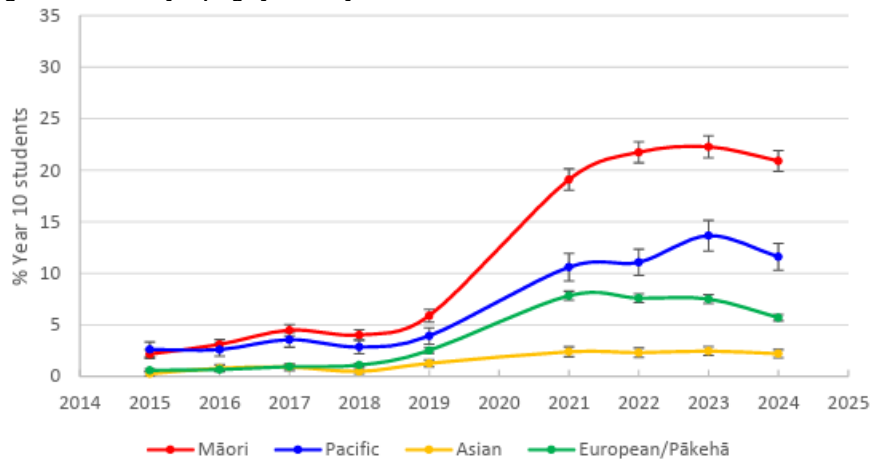


Figure 2. Youth regular vaping rates⁸



27. Youth daily vaping rates are highest among Māori and Pacific students, with rates being below average for Asian and Pākehā students (see Figure 3). 2024 saw vaping rates declining across all ethnic groups.

Figure 3. Youth daily vaping by ethnicity⁹



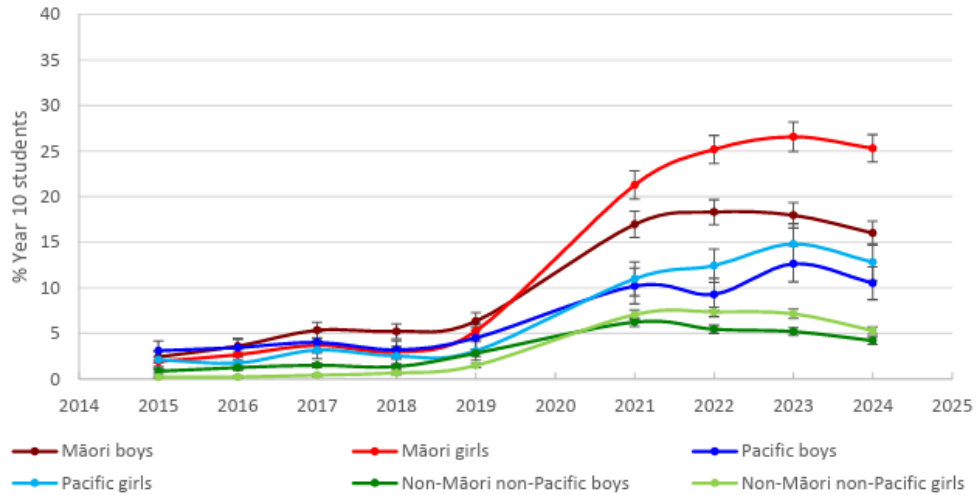
28. Vaping rates are generally slightly higher among girls than boys, except for Māori girls who have the highest vaping rates, significantly higher than for Māori boys (see Figure 4).

⁸ 2024 ASH survey of Year 10s (aged 14-15).

⁹ 2023 ASH survey of Year 10s (aged 14-15).



Figure 4. Daily vaping by ethnicity and gender¹⁰



29. The overall decline in youth vaping rates suggests that increased regulation, education and enforcement is proving effective in reducing youth vaping rates. The results of the 2024 ASH Year 10 shown above are extremely positive and provide further evidence that the current approach is effective in curbing youth vaping.

Youth vaping is a concern among our communities

30. Increased youth vaping rates have led to growing concern in communities reflected in discussion in the media and engagement with elected members. Vaping trends reflect not only an increase in recreational use but also include young smokers who are transitioning to vaping as a means to reduce or quit smoking. Additionally, some instances may involve experimentation that does not develop into a long-term vaping habit. While this is still a concern it is unlikely to pose any short or long-term health risks and is likely to have different drivers than daily vaping.
31. Although much less harmful than smoking, vaping is not risk-free.¹¹ While there is no evidence of long-term health impacts of vaping, experts caution that nicotine contained in some vaping products can create dependence in some young non-smokers who vape. The effects of nicotine addiction in young people include disruption to learning (impacts on concentration, school suspension), loss of physical fitness, anxiety and mood disorders.¹²

Community concerns about vaping store proliferations and youth exposure to vaping

32. There is growing concern within the community regarding the number of specialist vape stores and their visibility.¹³ This situation has led to increased awareness of the accessibility to vaping products, many of which feature appealing branding and packaging that make them highly visible.

¹⁰ 2023 ASH survey of Year 10s (aged 14-15).

¹¹ ASH New Zealand, 2023 Position Statement, 2023.

¹² Public Health Communication Centre Aotearoa, Youth vaping addiction: How it happens and why it matters. Briefing to incoming government, 2024.

¹³ Ministry of Health, Regulatory impact statement, 2024.



33. The increase in vaping among adults has made it increasingly visible in public spaces frequented by children and youth—such as playgrounds, parks, and shopping areas. However, we do not have strong evidence that this increased visibility is contributing to rising rates of youth vaping.
34. Several local authorities, including Auckland Council, have advocated for stricter vaping legislation and enforcement following incidents of retailers violating age restrictions by selling vaping products to young people.¹⁴ Based on council staff discussions with health sector staff we understand that there is now more enforcement, including the use of 'mystery buyers' for vape stores¹⁵.
35. Central government, health officials and experts in the public health community want to ensure there are measures in place to protect the youth population and others from initiation and becoming addicted to a product that is only intended to support people to quit and then transition to being addiction free through weaning them off nicotine.

Current regulation of vaping in New Zealand

36. New Zealand's vaping regulations fall under the Smokefree Environments and Regulated Products Act 1990, with the Ministry of Health leading policy and legislative efforts. In Auckland, enforcement is managed by the Auckland Regional Public Health Service, part of Te Whatu Ora / Health New Zealand. The Vaping Regulatory Authority is responsible for overseeing vaping and smokeless tobacco product compliance, with Smokefree Enforcement Officers handling local inspections and complaints.
37. Auckland Council does not have a role in enforcement activities (other than for council assets), as the responsibility lies solely with health agencies. The following table provides an overview of the key roles and responsibilities within the current regulatory framework.

Table 2. Roles and responsibilities in vaping regulation and enforcement in Auckland

Aspect	Detail
Regulatory framework	Vaping is regulated under the Smokefree Environments and Regulated Products Act 1990.
Responsible Agencies	Policy and Legislation: Ministry of Health, focusing on nicotine-containing products.
Enforcement in Auckland	Managed by Auckland Regional Public Health Service (Te Whatu Ora / Health New Zealand).
Vaping Regulatory Authority	Oversees the regulation of vaping and smokeless tobacco products.
Compliance & Enforcement	Smokefree Enforcement Officers: Conduct inspections and handle complaints in Auckland.
Funding	The Vaping Regulatory Authority funds these officers through Auckland Regional Public Health Service.
Auckland Council Involvement	Auckland Council is not involved in vaping regulation or enforcement other than for council assets.

Central government has taken steps to regulate vaping

38. Central government has implemented a series of vaping regulations over the past few years to reduce the potential harm associated with vaping.
39. These regulations have included restrictions on nicotine levels, flavours, advertising, and the sale of vaping products to minors.¹⁶ Additionally, there have been ongoing efforts to ensure that vaping products are safe and accessible only through authorised retailers.

¹⁴ [Local Government New Zealand](#), 2022.

¹⁵ This involves a young person seeking to buy vapes to test a store's compliance with regulatory requirements.

¹⁶ Ministry of Health, Regulatory impact statement, 2024.



40. New Zealand has implemented several regulations to control the sale, supply, and use of vaping products. To ensure the effectiveness of these regulations, central government continues to review and update them based on emerging evidence and evolving trends in vaping.
41. There have been issues with enforcement of these regulations, particularly during COVID-19 when relevant staff were diverted away from vaping enforcement. However, there is now more focus on education and enforcement and anecdotal evidence that this is having a positive effect.

Table 3. Central government key regulations timeline

Year	Key regulations
2020	Smokefree Environments and Regulated Products (Vaping) Amendment Act comes into force, establishing comprehensive vaping regulations.
2021	Regulations on nicotine content limits, mandatory packaging requirements, and restrictions on retail sales are implemented.
2022	Further restrictions are introduced, including limitations on flavoured vaping products and tighter advertising regulations.
2023	Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act comes into force. New regulations start to take effect (flavour restrictions, safety requirements for disposable vapes, vape store location restrictions).
2024	By March 21, all vaping devices sold in New Zealand must have removable batteries to meet new safety standards. The Smokefree Environments and Regulated Products Amendment Bill (No 2) is introduced which is aimed at preventing youth vaping.

Auckland Council can make bylaws relating to vaping, but within strict limits

42. As a statutory entity, the council can only make bylaws on matters it is empowered to do so by legislation (e.g. the Local Government Act 2002). Relevant provisions in the empowering act set out the scope and purpose of secondary legislation, such as bylaws. Any bylaws must be consistent with these provisions to be lawfully valid and enforceable.
43. As a local authority, the council has a general power to make bylaws for its district for one of the following purposes (see s145 of the Local Government Act):
 - To protect the public from nuisance
 - Protecting, promoting, and maintaining public health and safety
 - Minimising the potential for offensive behaviour in public places.¹⁷
44. Before commencing the process for making a bylaw, the council must determine whether a bylaw is the appropriate way to address the perceived problem (s155(1) of the Local Government Act). It must then determine whether the proposed bylaw both:
 - a) is the most appropriate form of bylaw
 - b) gives rise to any implications under the New Zealand Bill of Rights Act 1990 (no bylaw may be made which is inconsistent with the Bill of Rights Act).

¹⁷ Auckland Council may also make bylaws for the specific purposes listed in s146 of the Local Government Act and (because the council is a unitary authority) about the matters identified in s149 of the Local Government Act. However, for the purposes of this advice we have not considered these bylaw-making powers in detail as these purposes do not clearly align with why Council would seek to regulate vaping.



Other councils are restricting vaping through policies, not bylaws

45. Local government regulations on vaping vary significantly across New Zealand. At least ten local authorities, including Wellington City Council¹⁸ and Whangārei City Council¹⁹, have adopted Vape Free Policies that restrict vaping in public spaces.
46. These policies generally follow a national trend of extending existing smoking restrictions to vaping. However, these policies are not enforceable as bans, as they are not legally binding.

Auckland Council has the authority to regulate, but only when it meets specific standards and criteria outlined in law

47. Auckland Council can use its bylaw-making powers to regulate and even ban an activity in public spaces if it is causing a nuisance or poses risks to public health.
48. Before implementing any regulations, it is essential for the council to gather sufficient evidence regarding the impacts of vaping on bystanders. This evidence will inform the decision-making process and ensure that any regulations are justified.
49. With regard to vaping there are two key issues that need to be considered before making a bylaw:
 - the impact of vaping on the health of users and bystanders
 - the nuisance vaping causes to others in public spaces.

Evidence on impact on health and nuisance

50. In addition to the Local Government Act bylaw-making requirements, as a general principle a bylaw cannot be repugnant to the laws of New Zealand. This means that it must not seek to impose a restriction or condition where Parliament has said there should be none, or where Parliament has said that only they should impose restrictions or conditions. As there is no general prohibition on vaping in open spaces and given that central government is not currently contemplating this, staff legal advice is that a bylaw of this nature is not repugnant to the laws of New Zealand.
51. To prohibit vaping, the council must be satisfied that any prohibition is also consistent with the council's bylaw making powers under the Local Government Act. That is, the council must be satisfied on a reasonable basis that vaping in public places amounts to a nuisance, offensive behaviour or presents a risk to public health.

Is vaping a “nuisance”?

52. There is no definition of “nuisance” in the Local Government Act. However, section 29 of the Health Act 1956 (which council has adopted as the meaning of nuisance in its Public Safety and Nuisance Bylaw), defines nuisance as including “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.”
53. While vaping might inconvenience other members of the public, it likely does not constitute a nuisance under the Health Act 1956, nor does it rise to the level of offensive behavior. Given that nuisances must cause “unreasonable interference” with public comfort or peace, the occasional discomfort caused by vaping is unlikely to satisfy this standard.
54. There is no robust evidence of significant health risks from second-hand vapor in open spaces. Without this evidence, it becomes challenging to justify vaping as a public health nuisance that would warrant regulation under the Local Government Act.

¹⁸ Wellington city council smokefree action plan

¹⁹ Whangarei District council smokefree policy



55. Litter and waste from vaping has been an issue, but central government recently made changes to ban disposal vape products. These changes come into effect on 17 June 2025.

Is vaping “offensive”?

56. There is no definition of “offensive” in the Local Government Act. The Summary Offences Act 1981 also does not define “offensive”, and in the absence of a statutory definition we consider the Merriam Webster dictionary definition of “causing displeasure or resentment” to be suitable.
57. Our legal advice is that while there would be instances where vaping can cause displeasure or resentment to bystanders, vaping is more likely to be slightly bothersome than an act that would foster serious resentment or displeasure such that it amounts to offensive behaviour.

Is vaping a risk to public health and safety?

58. The council understands that the purpose of prohibiting vaping in open public spaces is to protect bystanders from second hand vaping fumes. Prohibiting vaping in open public spaces would be a significant step, and one which has not been taken or even proposed by Parliament.
59. To prohibit vaping in this way, the council would need to be able to rely on evidence of negative health effects of vaping fumes on bystanders in open public places (not just indoors).
60. In the absence of any such evidence, the council is unlikely to meet the legal threshold required to prohibit vaping in open public spaces.

Current evidence is insufficient to meet the legal standard for a bylaw banning vaping in council owned open spaces

61. In summary, the evidence on vaping as a nuisance, as offensive, or as a risk to public health and safety does not clearly meet the legal standard required for the council to develop a bylaw. Staff will continue to monitor new and emerging evidence and may be able to revisit this issue if there are any significant new developments.

Banning the display of vaping products

62. Central government amended the Smokefree Environments and Regulated Products Act 1990 in late 2024 to regulate the visibility of vaping products by adding restrictions to the rules around advertising them, and in prohibiting the display of vaping products either from a place of business or from outside automatic vending machines (amending sections 37 and 46 of the Act).
63. At this point council staff believe that the changes being made by central government will address the issues that have been raised regarding the display of vaping products (noting that, while the legislation has been passed, the display rules do not come into effect until 17 June 2025). Therefore, staff recommend waiting for the legislation to come into effect and its effectiveness assessed. If there are still issues with the visibility of vaping products these will likely be best addressed by working with central government to amend the legislation.

Summary

64. The Regulatory and Safety Committee asked for advice on two issues:
- banning vaping in council owned spaces
 - a bylaw restricting the visibility of vape products in special vape stores.
65. Auckland Council does not have sufficient evidence to justify regulating vaping in council owned spaces. Central government is currently progressing changes to legislation that would achieve the aim of restricting the visibility of vape products.



66. Given the lack of conclusive evidence on the public health risks of second-hand vapor in open spaces, a bylaw restricting vaping in such areas may not meet the necessary legal threshold.
67. Given these factors, staff recommend that the council should not take any further action at this time.

Next steps

68. Staff will continue to support the work being done by central government and the smoking cessation sector on reducing youth vaping. Staff will also monitor developments in this area and provided updated advice on this issue if appropriate.

Attachment A:

20 March 2025

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 endeavour 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 – 20 March 2025

Item 10

Attachment C

Iwi comments	N/A
Status	<p>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.</p> <p><i>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></p>

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	<p>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.</p>		
Iwi comments	There were no submissions from iwi or cultural interest raised by the application.		
Status	<p>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 reported separately to the Court in January 2025, and the Court has agreed that the appeal can remain on hold however to provide a hearing timetable with the next further report on 28 February 2025. A separate report has again been sent at that time seeking that a hearing timetable be set.</i></p>		

Region-wide Appeals Register – 20 March 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 excerpt 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/Te Tiriti 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."		

Region-wide Appeals Register – 20 March 2025

Status	<p>The Court in 2022 issued directions to all appeals relating to the three council decisions on the three separate resource consent applications, to extract sand within the off-shore, mid-shore and in-shore extraction areas; and that these be heard together.</p> <p>In July 2023 the Court granted a strict temporary, non-renewable consent within the off-shore area until the of shore appeal was determined. With agreement BML surrendered their in-shore application and withdrew the in-shore appeal. The mid shore application and appeal were also withdrawn. The 6 weeks of the remaining off-shore hearings proceeded in two 3 week blocks in September 2023.</p> <p>On the 11 April 2024 the Environment Court released its decision that the Court upheld the council Hearings Panel’s decision to refuse the consents applied for. The Court also issued a related decision with respect to an application by the appellant for the Court to strike out Ngāti Manuhiri Kaitiaki Charitable Trust as a party to the appeal. The application for strike out was refused by the Court.</p> <p><i>The applicant has subsequently submitted appeals with the High Court in relation to both the Environment Court’s decisions. A hearing is likely to occur sometime in 2025. Otherwise, no change.</i></p>
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Appellant	<ol style="list-style-type: none"> 1. The Director-General of Conservation (Department of Conservation) (ENV-21021-AKL-000079). 2. The Royal Forest and Bird Protection Society of New Zealand Incorporated (“Forest & Bird”) (ENV-2021-AKL-000078) 3. The Manuhiri Kaitiakitanga Charitable Trust (Ngati Manuhiri) (ENV-2021-AKL-000080) 4. Te Rūnanga o Ngāti Whātua (ENV-2021-AKL-000076) 5. Environs Holdings Limited (Te Uri o Hau) and Ngati Whatua Orakei (ENV 021 AKL 000085) 6. The Trustees of Ngā Maunga Whakahii o Kaipara Development Trust (ENV-2021-AKL-000083) 7. Fight The Tip: Tiaki Te Whenua Incorporated (“FTT”) (ENV-2021-AKL-000082) 8. The New Zealand Refining Company Limited (Refining NZ) (ENV-2021-AKL-000084) now resolved. 	<p>Received 5 July 2021</p>
References	Council: BUN60339589	
Applicant:	Waste Management NZ Limited	
Site address	1232 State Highway 1, Wayby Valley	
Other parties	1. Kaipara District Council (Party to Environs Holdings Limited (Te Uri o	

	<p>Hau) and Ngati Whatua Orakei appeal)</p> <ol style="list-style-type: none"> 2. Richard Griffiths (Party to The Royal Forest and Bird Protection Society of New Zealand Incorporated appeal) 3. William Phillip Foster (Party to The Director-General of Conservation (Department of Conservation) (ENV-21021-AKL-000079) appeal. 4. Auckland Conservation Board 5. The Manuhiri Kaitiakitanga Charitable Trust (Ngati Manuhiri) 6. The Trustees of Ngā Maunga Whakahii o Kaipara Development Trust 7. Te Rūnanga o Ngāti Whātua 8. Federated Farmers Auckland 9. Environs Holdings Limited (Te Uri o Hau) and Ngati Whatua Orakei 10. Maria Louise Henare (aka Mina Henare)
Description	<p>Separate appeals relating to the Hearings Panel's majority decision to grant consents (including land use consents, discharge and water permits) for the construction and operation of a new regional landfill facility (Dome Valley Landfill) with a footprint of approximately 60 hectares, and with capacity to contain approximately 25.8 million m3 of municipal solid waste, and ancillary infrastructure.</p>
Iwi comments	<p>Cultural values and Mana Whenua interests were central for many submitters and those who have appealed the decision. The hearing decision notes the “opposition centred on the connection, both spiritual and physical, between the headwaters of tributaries of the Hōteao catchment, Te Awa Hōteao and the Kaipara Moana and their associated whanaungatanga and kaitiakitanga in relation to that environment.</p>
Status	<p>The appeals relate only to the resource consent. The plan change decision has not been appealed.</p> <p>An interim decision has been released by the Environment Court on 21 December 2023. The Court concluded that a modified application, management plans and conditions could meet the purpose of the RMA and section 104 of the Act. However, further work is required to address the matters the Court has identified. This interim decision has since been appealed to the High Court by Forest and Bird and Te Runanga o Ngati Whatua and the hearing of this appeal took place at the end of July 2024. The High Court released its decision 19 December 2024 dismissing both appeals. This leaves the interim decision to be finalised that will involve agreement on a modified proposal, management plans and the appropriate conditions to be placed against the consent. <i>The High Court decision has since been appealed to the Court of Appeal by Forest and Bird.</i></p>

Region-wide Appeals Register – 20 March 2025

UPPER HARBOUR – Local Board Area (1 Appeal)

Appellants	New South Development Ltd v Auckland Council	Received	4 February 2025
References	ENV-2025-AKL-000024 BUN60365972 / LUC60365974 / LUS60365972 / DIS60397167		
Site address	104 Fred Taylor Drive, Whenuapai / 12 Kiekie Street, Whenuapai		
Applicant	New South Development Ltd		
Other parties	NA		
Description	<p>An appeal against a decision by Auckland Council to refuse consent to undertake bulk earthworks to remove and fill an existing man-made pond, including the restoration of an intermittent stream (Northern stream) that previously traversed the area and has been modified through previous use on the site, and the reclamation of a 70.3m length of stream (Central stream).</p> <p>The hearing commissioners found that in terms of section 104D of the RMA, the proposal fails to meet either test of s104D. The proposal would have adverse effects on the environment that are more than minor and overall would be contrary to the objectives and policies of the AUP(OP). The reclamation of the central stream was found to not be justified and the level of contamination that are harmful to the environment or human health that necessitate the full removal of the bed of the stream lacked sufficient evidence.</p> <p>The appeal seeks that the consent be granted as per the application.</p>		
Iwi Comments	NA		
Status	New appeal. Discussions occurring with appellant. Court assisted mediation has yet to be timetabled.		

WAITAKERE – Local Board Area (4 Appeals)

Appellant	The Trustees of DOKAD Trust, Successors and Nominees including Peter William Mawhinney	Received	23 April 2024
References	ENV-2024-AKL-086 LUC60340459		
Site address	102-104 Anzac Valley Road, Waitakere		
Other parties	NA		
Description	This purported appeal relates to a resource consent application for 2 dwellings, 2 minor dwellings and 2 home occupations.		
Iwi comments	NA		

Region-wide Appeals Register – 20 March 2025

Status	The council believes this appeal has no merit. The application was on hold, waiting further information. The appellant claims council has refused consent and has appealed on that basis.
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Appellant	The Trustees of DOKAD Trust, Successors and Nominees including Peter William Mawhinney	Received	27 March 2024
References	ENV-2024-AKL-068 SUB60425998		
Site address	102-104 Anzac Valley Road, Waitakere		
Other parties	NA		
Description	This purported appeal relates to a resource consent application that was returned as being incomplete.		
Iwi comments	NA		
Status	The council believes this appeal has no merit. The applicant has no appeal right until council makes a decision on the s357 objection to their application being returned. The objection is not being processed until the appeal is withdrawn or resolved by the Environment Court.		

Appellant	Trustees of Forest Trust and Successors	Received	19 July 2018
References	ENV-2018-AKL-000145 Council: SUB-2011-63		
Site address	199 Anzac Valley Road, Waitakere		
Other parties	None		
Description	Appeal against hearing decision to uphold in part and dismiss in part a section 357 objection to conditions and costs of a subdivision resource consent (SUB-2011-63)		
Iwi comments	The application did not trigger any requirement for a Cultural Impact Assessment or raise any iwi or Treaty issues.		
Status	Appeal against the Council's objection decision lodged with the Environment on 26 July 2018 (Forest Trust Appeal). The Environment Court's decision refusing the Forest Trust Appeal and confirming Council's decision was issued on 18 December 2018. The Environment Court's decision was appealed to the High Court. Separately, on 28 February 2019, the High Court ordered that Mr Mawhinney be restrained (in any capacity) from commencing or continuing civil proceedings for 5 years (reduced to a 3-year restraint period following an appeal to the Court of Appeal). From 28 Feb 2019 the Forest Trust Appeal was stayed due to the restraint against Mr Mawhinney. The 3-year restraint against Mr Mawhinney has now expired. The Forest Trust Appeal (and other High Court proceedings) currently remain stayed.		

Region-wide Appeals Register – 20 March 2025

Appellant	Trustees of DOKAD Trust and Successors	Received	7 March 2022
References	ENV-2022-AKL-000062 SUB60369339, CER70012838, SUB-2008-570, SUB-2008-571, LUC60340459, CER70013391, CER70013122, CER70013000		
Site address	Various properties on Anzac Road, Waitakere		
Other parties	NA		
Description	This appeal relates to decisions on 15 x s357 objections relating to 8 applications that were heard by hearing commissioners on 19 & 20 January 2022. The objections cover the following matters: council charges, requests for further information, decline of certificates of compliance and returns of applications.		
Iwi comments	NA		
Status	The appeal, while brought by DOKAD, is related to P Mawhinney. The council has raised issues with the court about the standing of the appellant's agent and is waiting on a determination from the Court.		

WAIHEKE- Local Board Area – (1 Appeal)

Appellants	Ngati Paoa Trust v Auckland Council (ENV-2023-AKL-000207)	Received	12 December 2023
References	ENV-2023-AKL-000207- Ngati Paoa Trust v Auckland Council		
Site Address	81 Margaret Reeve Lane, Waiheke Island		
Applicant	Christopher Elias, Lai Choo, Trust & Equity Management Limited		
Other parties S274	Ngati Paoa Iwi Trust		
Description	<p>The appeal is against the approval of resource consent to allow construction and use, of a three-bedroom dwelling and two visitor accommodation units with ancillary land disturbance access and servicing on the subject land.</p> <p>The site is subject to waahi tapu and the resource consent was limited notified to 8 mana whenua groups under special circumstances. The one submitter being Ngati Paoa Trust Board has appealed the decision. Notably Ngati Paoa Iwi Trust did not submit on the application but has joined the Court proceedings as a s274 party with an interest greater than the public.</p>		
Iwi comments	<p>Ngati Paoa Iwi Trust has indicated in their s274 notice that they represent the Iwi Interests.</p> <p>Ngati Paoa Trust Board is the appellant that has opposed the application.</p>		
Status	<p>Court mediation was unsuccessful. The hearing is set for 2 days and a timetable for evidence has been established.</p> <p><i>Council has elected to abide the decision of the Court and the Court has directed that Council keep a watching brief on the proceedings with no need for involvement. A hearing date has been set for 18/19 February 2025.</i></p>		

Region-wide Appeals Register – 20 March 2025

WAITEMATĀ–Local Board Area (3 appeals)

Appellant	James Kirkpatrick Group Limited v Auckland Council	Received	27 February 2025
References	ENV-2025-AKL-000o65 LUC60427504, DIS60427503, WAT60427505		
Applicant:	James Kirkpatrick Group Limited		
Site address	538 Karangahape Road, Auckland.		
Other parties	none		
Description	<p>An appeal by the applicant against a decision by Auckland Council to refuse consent to construct and operate a part 10 / part 11 level commercial building at 538 Karangahape Road, Auckland Central. The building is proposed to accommodate retail and hospitality activities at ground floor, commercial offices above and a two-level basement carpark. Consents were also needed for contaminated land disturbance and groundwater diversion. Overall the application was assessed as a non-complying activity, however the applicant notes that if Plan Change 78 were operative the application would be restricted discretionary.</p> <p>The council commissioners considered the proposal did not meet either test of section 104D of the RMA and will be inconsistent with, and contrary to, the key objectives and policies within chapters H8 Business City Centre Zone, D17 Historic Heritage Overlay and I206 Karangahape Road Precinct of the Auckland Unitary Plan (Operative in Part) and Proposed Plan Change 78.</p>		
Iwi comments	No matters of interest		
Status	New Appeal		

Appellants	Digital Advertising Limited v Auckland Council	Received	14 November 2023
References	ENV-2023-AKL-000191 LUC60353448		
Site address	8 Pitt Street, Auckland.		
Other parties	S274 notices from Heritage New Zealand Pouhere Taonga and Denise L'Estrange-Corbet		
Description	<p>An appeal against a decision by Auckland Council to refuse consent to the installation of two wall-mounted digital billboards at 8 Pitt Street, Auckland Central.</p> <p>Resource consent is sought to carry out external additions, namely a false wall extension and veranda, and install two vertical orientated, wall-mounted digital billboards, operator's logo and supportive devices on the western and southern facades of an existing building. The billboards are 3.2m (wide) by 6m (height) and extend above the building soffit line. The hearing commissioner found that the billboards would significantly detract from the appearance of the building and heritage values of the adjacent chapel, adversely affect the visual amenity of the streetscape and be inconsistent with the relevant objectives and policies. The appeal seeks that the consent be granted as per the application.</p>		

Region-wide Appeals Register – 20 March 2025

Iwi comments	No matters of interest
Status	Minute from the Court directing Court-assisted mediation to be scheduled and proceed with those parties who have agreed to attend (council and Mr Jacques). Dame L'Estrange-Corbet has been invited to attend but she is not compelled to do so, and she is required to file a memorandum setting out her issues by 22 March 2024. Mediation held 5 November 2024 but unsuccessful. Hearing set down for June 2025.

Appellants	Ngāi Tai Ki Tāmaki v Auckland Council(withdrawn) Te Ākitai O Waiohua, Ngaati Whanaunga, Ngāti Tamaoho, Ngāti Tamaterā, Te Patukirikiri, And Ngāti Maru v Auckland Council (withdrawn) Ngāti Whātua Orakei Whaia Maia Limited v Auckland Council (ENV-2019-AKL-000016)	Received	30 January 2019 30 January 2019 31 January 2019
References	ENV-2019-AKL-000014 - withdrawn ENV-2019-AKL-000015 - withdrawn ENV-2019-AKL-000016		
Applicant	Eke Panuku Development Auckland Ltd		
Site address	31 Westhaven Drive, Auckland Central		
Other Parties	Ngāti Maru, Ngāi Tai Ki Tamaki, Te Akitai Waiohua, Te Patukirikiri, and Ngaati Whanaunga		
Description	<p>Appeal against the full decision to grant resource consents to extend the north-western breakwater and causeway (via land reclamation) at Westhaven Marina, to connect to the north-eastern breakwater to create public open space and an observation deck, a car park area for public and private use; and access to new marina berths, including the replacement of existing pile moorings.</p> <p>In particular, the first two groups of appellants reject consent conditions that seek a determination of whether any one Mana Whenua iwi/hapū has primacy as part of a Pile Mooring Redevelopment Kaitiaki Engagement Plan. Contrarily Ngāti Whātua Orakei Whaia Maia Limited seek consultation and their primacy in the plans for cultural markers to be reflected in the relevant conditions of consent.</p>		
Iwi comments	The applications were publicly notified. Submissions from appellant iwi were received, along with other iwi who have not lodged an appeal against these decisions.		
Status	ENV-2019-AKL-000014 and ENV-2019-AKL-000015 were withdrawn 13 January 2019. Mediation scheduled with remaining appellant (Ngāti Whātua Orakei Whaia Maia Limited) and s274 parties on 29 April 2019 was cancelled at the agreement of all parties with the appeal to proceed to hearing. A s116 application to allow consents to commence was approved by EC on the 27 March 2019, with the exception of parts of conditions 12a. and 14b.v. Panuku have now completed the works. The outstanding conditions relate to the 'Pile		

Region-wide Appeals Register – 20 March 2025

	<p>Mooring Redevelopment Kaitiaki Engagement Plan (PMRKEP) and reference to include within the primary Mana Whenua status of any Iwi group.</p> <p>Following a judicial conference in late June 2019 it was determined that:</p> <ul style="list-style-type: none"> • The appeal, to be heard together with the related Queens wharf mooring Dolphin appeal, (however since withdrawn in 2020). • A declaration by Ngāti Whātua Ōrākei as to whether the Environment Court has the jurisdiction to determine primacy issues, where relating to the wording of consent conditions, to be determined prior to the appeal being heard. <p>The Environment Court released its decision on the preliminary jurisdictional question of primacy of mana whenua status regarding the setting of mana whenua conditions of consent. This decision was appealed by iwi groups to the High Court, which issued its decision on the primacy matter on 21 October 2020 (appeal allowed in part). The Environment Court issued a minute on 29 October seeking further instruction from the parties on how/whether they would like to proceed to resolution. A joint memorandum was issued on the 15 December 2020 by the parties in response. The Environment Court further minute on 19 January 2021 requested the parties identify evidence topics and witnesses.</p>
	<p>Since the High Court decision on the 21 October 2020, a 10-week hearing in the High Court (CIV-2015-404-2033 <i>Ngāti Whātua Ōrākei v Attorney-General</i>) was concluded which raised similar factual matters to this appeal. The resolution of these other High Court proceedings may assist in resolving the current Environment Court appeal (or result in narrowing the factual issues). Therefore, the parties agree the Environment Court appeal is placed on hold pending the resolution of the High Court Proceedings. The High Court, 28 April 2022 in its decision, recognises that Ngāti Whātua Ōrākei has mana whenua over specific areas of central Auckland based on its own tikanga. But not <i>‘to the exclusion of all other iwi and hapū, who’s own tikanga cannot be found to be “subject or inferior” to that of Ngāti Whātua Ōrākei.</i> An Environment Court minute 17 May 2022 suggests a Mana Whakahono a Rohe approach to resolve the appeal, a direct engagement process between the appellants that will likely not need to include the Council. Agreement to participating in a tikanga- based Judicial Settlement Conference process was not agreed by all parties. The Court by minute 14 June 2024 set an exchange of evidence timetable during August September 2024 and this exchange has now occurred. Council’s role will be limited to planning evidence. <i>The 4-day hearing proceeded in the week of 25 November 2024 and a decision is pending.</i></p>

ORAKEI–Local Board Area (1 appeal)

Appellants	Susan Wynne Valentine v Auckland Council	Received	9 Feb 2024
References	ENV-2024-AKL-000016 BUN60407753		
Site address	7-19 Vincent Ave, Remuera		
Applicant	Metlifecare Retirement Villages Limited		
Other parties	NA		
Description	Appeals the decision to grant consent to the restricted discretionary application for resource consent to construct a five-storey integrated residential development with associated infrastructure, earthworks and groundwater discharges at 7-19 St Vincent Avenue, Remuera. The appeal questions the limited notification (arguing this should have included other parties or been public), and the appellant raises concerns over privacy and other adverse amenity effects.		
Iwi comments	NA		
Status	The appeal has been set for mediation on 30 May 2024. Mediation unsuccessful. Ongoing negotiation continues between parties with the applicant considering amendments to the proposal with the intention to achieve a settlement without the need for hearing. <i>The appeal has been resolved by consent order signed by the Court on 29 January 2025. The changes included reducing the floor space of the south facing fifth level apartment and revising conditions of consent covering the Community Liaison Group, traffic management and use of Raukura Lane. This matter is now complete.</i>		

ALBERT-EDEN –Local Board Area (1 appeal)

Appellants	Southern Cross Hospitals Limited v Auckland Council	Received	8 April 2021
References	ENV-2021-AKL-000037 BUN60347517, LUC60150801-A		
Site address	3 Brightside Road, 149-153 Gillies Avenue, Epsom		
Applicant	Southern Cross Hospitals Limited		
Other parties	None at the moment		
Description	An appeal against a decision to refuse the application to expand the existing hospital complex (BUN60347517). The application to vary conditions of consent is granted (LUC60150801-A)		
Iwi comments	The resource consent application was publicly notified and determined by commissioners in accordance with the RMA. No submissions from iwi.		

Region-wide Appeals Register – 20 March 2025

Status	<p>On 16 April 2021 the Court directed that the appeal be placed on hold pending the resolution of Eden Epsom Residential Protection Society Inc's appeal on Private Plan Change 21. The Court on 13 April 2022 released its decision refusing the request for the plan change. On 9 May 2022 Southern Cross appealed the plan change decision and the appeal was heard in the High Court on 12 September 2022. In a minute 29 June the Environment Court had already directed that the LUC appeal remains on hold until the release of the High Court decision. The decision from the High Court of 27 April 2023 set aside the Environment Court decision and refers it back for reconsideration in accordance with the High Court findings. The Environment Court's interim decision was issued on 5 July 2024. PPC21 has been approved with modifications, with the parties currently working through steps to finalising the wording of PPC21 provisions.</p> <p>Final agreement on the wording of the PPC21 conditions was not reached and a 1-day hearing occurred on 8 November 2024.</p> <p><i>The Court releases the final PPC21 decision on 22 November 2024. The Court has since agreed that the resource consent appeal can remain on hold until 30 June 2025. This will allow Southern Cross time to consider whether the consent application made in 2020 is still fit for purpose and aligns with the new zone provisions.</i></p>
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MAUNGAKEIKEI -TAMAKI –Local Board Area (2 appeals)

Appellants	Steven Allan Bonnici v Auckland Council	Received	25 January 2025
References	ENV-2025-AKL-00050 CST60437145		
Site address	87 Kings Road, Panmure (adjacent coastal area).		
Applicant	Steven Allan Bonnici		
Other parties	None		
Description	<p><i>Appeal to a condition of a coastal permit granted for the replacement of an existing jetty and pontoon structure in the coastal marine area adjacent to the above property. A 26.5m piled gangway/jetty from the site will connect to a 15-meter articulated gangway accessing a 15-meter-long floating pontoon.</i></p> <p><i>The condition under appeal states "The maximum length of a vessel berthed on the pontoon must not exceed the overall length of the pontoon structure."</i></p> <p><i>The discretionary consent application was processed non notified and the subject of a section 357A objection. The appeal is lodged under section 358 of the Act.</i></p>		
Iwi comments	N/A		
Status	<p><i>New appeal. The applicant at the time of appeal sought an order from the Court under section 116 of the Act that the consent could commence. That was not opposed by the Council and will allow the reconstruction of the jetty in the interim while the appeal is decided.</i></p>		

Region-wide Appeals Register – 20 March 2025

Appellant	Tāmaki Regeneration Limited	Received	16 August 2024
References	ENV-2024-AKL-LUC60421139 SUB60421200		
Site address	1-8, 10-12, 14, and 16 Concord Place, 92-110 Elstree Avenue, 112,114, 118 and 120 Taniwha Street, Glen Innes		
Other parties	N/A		
Description	<p>This appeal by the applicant relates to conditions of consent relating to the grant of consent for the construction, use and subdivision of 84 residential dwellings across a number of properties in Glen Innes (the Concord Place Development). The discretionary consent was granted by a commissioner on a non notified basis.</p> <p>The appellant opposes the inclusion of tree main conditions being;</p> <p>Land use consent LUC60421139: Condition 16 – Flooding and MR2 infrastructure project, which relates to lots 1-20, 53-57, and 58-59;</p> <p>Subdivision consent SUB60421200: Condition 1 – Activity in accordance with plans, which relates to the entire Concord Place Development to the extent that it refers expressly to the Esplanade Walkway Concept plans (dwg. No 305 and 306); and,</p> <p>Subdivision consent SUB60421200: Condition 82 – Implementation of esplanade reserve works, which relates to the entire Concord Place Development.</p>		
Iwi comments	N/A		
Status	New appeal. <i>Discussions occurring directly with the appellant.</i>		

Mangere - Otahuhu –Local Board Area (1 Appeal)

Appellants	Te Ākitai Waiohū Waka Taua Incorporated v Auckland Council	Received	6 May 2024
References	ENV-2024-AKL-000097 LUC60394962 and DIS60407813		
Site address	600 Island Road Mangere. Te Motu A Hiaroa (also known as Puketutu Island)		
Applicant	Te Motu A Hiaroa Charitable Trust		
Other parties	N/A		
Description	<p>An appeal to the decision to grant,</p> <p>(i) land use consent land use consent for development of a marae complex, wharekai and associated infrastructure, accessways and parking areas, earthworks, and landscaping at 600 Island Road, Mangere. The site lies within the Open Space Conservation Zone, Outstanding Natural Features (ONF), Sites and Places of Significance to Mana Whenua and Quarry Buffer Area Overlay. and</p>		

Region-wide Appeals Register – 20 March 2025

	(ii) discharge permit for discharging treated domestic wastewater via a land application disposal system. The decision notes the key resource management issues as being the effect on the ONF and Mana whenua values of consultation/tikanga with Te Ākitai. The appeal notes that lack of consultation and korero between local iwi, hapū and existing marae to ensure the development is tika and received the blessing of all parties with Mana Whenua connections to the land. Tikanga matters related to the intention, use and protocols of the new marae have not been addressed nor has the location of the marae directly on Te Motu a Hiaroa with wāhi tapu site of significance status Te Ākitai seeks that a tikanga process is undertaken to determine the appropriateness of establishing a marae complex on Te Motu A Hiaroa.
Iwi comments	Te Ākitai submitted on the application and note their deep and long-standing associations with Te Motu a Hiaroa.
Status	<i>Applicant and appellant are currently in direct discussions. Council is not involved in discussions at this stage.</i>

FRANKLIN –Local Board Area (3 Appeals)

Appellant	Papatoetoe Civil Limited v Auckland Council	Received	10 May 2024
References	ENV-2024-AKL-000098LUC60418244		
Site address	60 Sim Road, Papakura		
Applicant	Papatoetoe Civil Limited		
Other parties	N/A		
Description	An appeal to the decision to decline a retrospective non-notified discretionary consent to establish a depot for the operations of a civil contracting company, undertaking civil works (road, drainage, maintenance, earthworks/excavation). The application was determined to be contrary to AUP and NPS policies seeking to avoid urban use of highly productive land. The appeal states that no weight was given to a proposed covenant protecting the balance of the site for productive potential and considers the NPS HPL does not preclude land being used for multiple functions.		
Iwi comments	NA		
Status	New appeal. A waiver for late filing was granted by the Court on 5 June 2024. Otherwise, there is agreement for Court assisted mediation that has yet to be timetabled. Mediation set down for 17 October. Council has advised the Court and appellant of the significant Policy issues. Mediation proceed on 6 November without agreement and the parties are to inform the Court by 11 December as to whether timetabling for evidence and a hearing is required. <i>The applicant informed the Court that they wish to proceed to hearing. A preliminary date has been set for the week 11 August 2025.</i>		

Region-wide Appeals Register – 20 March 2025

Appellants	Keith Sinclair Trust v Auckland Council	Received	4 April 2024
References	ENV-2024-AKL-00072 LUC60402352		
Site address	202i Ingram Road, Bombay		
Applicant	Keith Sinclair Trust		
Other parties	274 notices from M & W Moore, CJ and SA Speir, DJ and KS Mortimer, WP, SM and JS Taylor		
Description	<p>An appeal by the applicant to the decline of consent for construction of two detached accessory buildings with associated earthworks and a driveway extension located within an Outstanding Natural Landscape overlay. The site lies within the countryside living zone. The sheds are 126m² (12m x 10.5m, up to 4.35m high) and the other of 70m² (10m x 7m, up to 3.60m high).</p> <p>The discretionary activity was found to have adverse localised effects to neighbouring properties and the sense of spaciousness, rural character and landscape amenity and the experiential values of the Outstanding Natural Landscape having regard to their relevant AUP objectives and policies. The appeal seeks the grant of the consent.</p>		
Iwi comments	No matters of interest noted.		
Status	Discussions are occurring with the appellant. Mediation has been set down for 17 September 2024. Mediation was held and a revised proposal and further information is being provided by the appellant over the coming weeks in an effort to address the reasons for refusal. Settlement on revised plans has not occurred and an evidence exchange timetable has been set with a hearing to be held in the week of 7 April 2025.		

Appellant	Raewyn McCardle v Auckland Council	Received	30 June 2023
References	ENV-2023-AKL-0002* BUN60393484		
Site address	1 View Road Waiuku		
Applicant	Taiwan Trustee Company Limited		
Description	<p>An appeal by a submitter against a decision to grant consent to an application, to construct and operate a dairy and construct two new dwellings and undertake a three-lot subdivision of proposed lots 1 and 2 of a yet unimplemented four lot (SUB60221991) subdivision. The site is zoned Residential- Mixed Housing Suburban where dairies less than 100m² are a restricted discretionary activity. The appeal questions the limited notification, the bulk of proposed building and amenity and traffic safety effects from the dairy operation.</p>		
Iwi comments	The application was limited notified to three neighbours and there were no matters relevant to iwi.		
Status	Mediation proceeded on 11 December 2023. The Court has directed the appellant to provide a response to council's position to abide. Post mediation discussions continue between the applicant and appellant on a revised housing proposal without the dairy. A revised proposal without the dairy has been agreed and this will inform the basis of a proposed consent order. The underlying subdivision consent has now lapsed and council's current position is that a new application is now required.		

Region-wide Appeals Register – 20 March 2025