AUCKLAND UNITARY PLAN

Report To: **Unitary Plan Political Working Party**

Report Name: **Issues Paper – Community and Social**

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1. Executive Summary

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Introduction
This report identifies the high priority issues relating to community and social matters which is one component of the Heritage, Cultural and Community Work Stream. Section 2 of the Resource Management Act 1991 (RMA) enables people and communities to provide for their social, economic and cultural well-being as well as their health and safety.

This report addresses wide ranging community and social topics and highlights the interrelationship between matters such as transport, growth, housing and urban form, and the necessity to get right fundamental planning concepts. The RMA delegated environmental administration to local government. People are an essential component of the environment, therefore, addressing community and social aspects can certainly be considered as one of the responsibilities of local government. One of the most effective methods of ensuring council can meet Auckland's expectations and the Auckland Plan objectives is through the unitary plan.

This report identifies:
- the priority issues which need to be addressed in the unitary plan applicable to community and social matters in the Auckland Region, and
- the recommended broad approaches for addressing the identified issues.

This report does not address the full range of resource management issues associated with each topic. Rather it concentrates on the priority issues which warrant the most attention within the tight timeframe set for the development of the unitary plan. Issues have been identified and supported by further explanations where necessary. Where recommended broad approaches can address several issues, these issues are grouped together to avoid repetition. Many of the non regulatory approaches identified in this report require action beyond the scope of the unitary plan and will involve interdepartmental coordination.

<u>**Exclusions for this Report:**</u>
This report does not include discussion of several important and interrelated aspects of community and social policy and development. This is due to the overlap of these particular aspects with other work streams that may be more effective in addressing these issues.

Subject	Main Work Stream
Accessibility and Safety	Urban Design component of the Built Environment Work Stream.
Emergency Infrastructure	Infrastructure and Built Environment workstreams
Courts, Corrections Facilities	Designation component of the Infrastructure Work Stream
Co governance and Co management	Treaty of Waitangi component
Recreation and Sport	Open Space component

The high priority community and social issues that currently face Auckland Region relate to:

- Commercial Sex Industry (Commercial Sex Premises / Brothels / Prostitution/Retail)
- Alcohol
- Gambling
- Social Infrastructure, Amenities and Well-being
- Public Art
- Events

Two issues are particularly important to almost every topic within the community and social component of this workstream being, terminology and project alignment and as such, have been addressed at the beginning of this report.

The following priority issues are identified for the unitary plan:-

General
1. The use of clearly defined terminology and categorisation within the unitary plan that is consistent with complementary policy and legislation.
2. Project alignment of the unitary plan with the project plans and consultation required for complementary topics;

Commercial Sex Industry
1. Effective and long term regulation of the commercial sex industry;
2. Commercial sex activities operating at a commercial scale in residential areas and the adverse effects on residential amenity;
3. The negative effects that commercial sex premises have on business viability;
4. Crime, harm and safety: Commercial sex premises and street prostitution have been associated with organised crime and diminish the perception of safety for the occupants and users of the receiving environment in both commercial and residential areas.
5. Commercial sex premises can create resource intensive demands on enforcement teams.

Alcohol
1. Planning controls and the relationship with proposed legislation;
2. Public safety;
3. The consumption of alcohol in public space;
4. Licensed premises can create resource intensive demands on enforcement teams.

Gambling
1. The location of gambling venues in areas of high deprivation;
2. The effect of the location and density of gambling venues on behavioural patterns;
3. The wide spread effects of problem gambling.

Social Amenities, Infrastructure and Well-being
1. The inadequate provision of social amenities and infrastructure;
2. The need for social amenities and infrastructure to be accessible;
3. Land availability and barriers to providing social amenities and infrastructure;
4. New Zealand youth are not meeting their potential;
5. The effect of perceived levels of safety and attractiveness on use;
6. Children and health related illnesses;
7. Neighbourhoods and self sufficiency;
8. Social cohesion

Public Art Specific
1. Appropriate provision;
2. Funding;
3. Art can improve the performance of the built environment and help protect the natural environment.

Event Specific
1. Over-emphasis on large scale events with little focus on local community events;
2. Event locations;
3. Environmental effects of events;
4. Restrictive temporary activity provisions;

Public Art and Events
1. The regulatory process can be cumbersome;
2. Internal processes and budgeting.

Broad Approaches/Options

Regulatory
Unitary Plan Specific
- Use clearly defined terminology and categorisation in the unitary plan that is consistent with relevant legislation and complementary policy;
- Consider separately categorising and defining small owner operator brothels within the unitary plan from home occupation provisions and provide a set of performance standards or development controls or both for their operation;
- Introduce provisions that incorporate urban design principles and in particular Crime Prevention through Environmental Design (CPTED)as a fundamental component of the built environment to ensure accessible and inclusive communities, to increase the safety for users, to minimise maintenance, to manage the movement and dispersal of people from areas, as well as discourage particular activities;
- Ensure that there is a clear distinction made between what will be regulated via the unitary plan and what will be controlled through complementary policy and bylaws. Align the content of the unitary plan with complementary policy to ensure that the unitary plan cannot be misconstrued as pre-empting the content of other council policy and to ensure that there are no gaps. This can also be achieved by clearly identifying and communicating the RMA provisions and origins of the matters for consideration;
- If council receives submissions on the unitary plan that would be more appropriately considered as part of consultation on other policy, share the information with relevant teams. This may require establishing an information management process;
- Use specific and measurable parameters such as those contained within some legacy council district plans for home occupations to limit discrepancies over the scale of an activity;
- Develop consistent regulatory methods to control the location, density and signs of gambling venues (and licensed premises) supported by matters to be considered within resource consent applications that address social issues;
- Introduce regulatory mechanisms with appropriate enabling controls that:
  - support a comprehensive range of social amenities and infrastructure within existing communities and areas of growth.
  - Support the co-location or clustering, and adaptable use and multiuse of the existing and future social amenities and infrastructure
  This will create opportunities that can be realised by either the public or private sector or through partnership with community stakeholders such as Iwi and Mataawaka and Pacific People's organisations, will allow for changes in demographics and will support less land intensive land use patterns;
- Focus the provision of social amenities and infrastructure around areas with walking, cycling and public transport infrastructure or time such transport improvements around these areas to ensure that movement, particularly for children and young people within communities and the region is safe and efficient without relying on private vehicle transport;
- Investigate regulatory mechanisms that support a more varied use of land around town centres with appropriate controls to balance the protection of the receiving environment whilst not being too restrictive on the activity;
- Investigate including greater discussion within the unitary plan of the resource management issues surrounding art and events in the region;
- Introduce regulatory mechanisms with appropriate enabling controls supporting the provision of a range of formal and informal public art, cultural, performance and event spaces, particularly at a local level;
- Consider more permissive provisions for temporary activities;
- Investigate the use of financial contributions or development control provisions to provide for public art funding;
- Use the unitary plan mapping process to identify sites with minimal regulatory hurdles and investigate the feasibility of these sites for the use of public art or events or both. This would allow potentially problematic locations or scales of art (from a RMA/District Plan perspective)

to be avoided or for regulatory challenges to be identified in advance or artworks being commissioned.

Non Unitary Plan Regulation
- Investigate requirements for all brothels to be licensed, irrespective of the size and scale of the activity as part of the research into developing a commercial sex premises bylaw;
- Investigate the use of licensing fees in the costs applied to licensed (alcohol or commercial sex) premises. This will allow for the allocation of sufficient budgets to monitoring and enforcement resources.

Non Regulatory

- Align consultation, where possible with the development of complementary policy;
- Make explicit the scope and matters of consideration of projects that address similar issues and acknowledge overlaps in project communications, including all relevant consultation documents;
- Consider repositioning underutilised community facilities to more prominent locations to boost the profile and improve the connections of services and facilities to the community, town centre;
- Investigate implementing a system for complaints to be correctly identified, filtered and monitored so that enforcement can follow up on unregulated commercial sex premises;
- Undertake a body of research to:
  - identify the residents of the region that may be more vulnerable to problem gambling and its wider effects;
  - identify regional gambling trends, in particular any increases or reductions in gaming machines and venues across Auckland;
  - analyse where clusters or over-representations of gaming machines and venues are located across Auckland
  - analyse the proceeds from gambling to understand how and where the proceeds are distributed amongst Auckland's community groups
  - Assess legacy councils gambling venue policies to ascertain where their approach to gambling reduced gambling and the harm caused by gambling.
  This information will help inform the appropriate location and density controls;
- Initiate discussion with central government agencies on the location, the acquisition of land, and the timing and sequencing of key social amenities and infrastructure with priority afforded to areas with a high proportion of children and young people and the greatest need. Early discussions with agencies that are not requiring authorities such as the Ministry of Health, District Health Boards may be particularly important;
- Council to consider participating or facilitating partnerships with community stakeholders to provide social amenities and infrastructure for communities;
- Collate an inventory of social amenities and infrastructure and the capacity of each. This will guide future provision;
- Investigate implementing streamlined pre-application and application regulatory processes for event organisers, artists and art providers. This will allow sites with little or no regulatory barriers to be identified prior early. Further, it will allow artworks to be commissioned of a size or construction that will comply with relevant regulations and for events to be organised around potential resource management concerns;
- Consider identifying officers in relevant council departments, particularly the regulatory teams to be responsible for the arts or events portfolios as a component of their general responsibilities, ensuring consistency, reducing the number of necessary contacts within the relevant departments and developing an area of expertise;
- Prepare guidance documents for internal circulation to key departmental contacts;
- Prepare guidance documents for distribution to the public, external stakeholders, artists, art providers and event organisers outlining the regulatory process, the information that is required to be submitted to council as part of an application and exemptions from the Building Act;
- Identify gaps that may affect the formation of an events network;
- Identify gaps within the existing creative arts network.

Statutory Requirements

The following are the statutory considerations of relevance to social policy and community development;

- The Resource Management Act 1991(RMA)
- The Local Government Act 2002
- The Local Government (Auckland Council) Act 2009
- The Sale of Liquor Act 1989
- The Alcohol Reform Bill
- The Prostitution Reform Act 2003
- Regulation of Prostitution in Specified Places Bill
- The Gambling Act 2003

Roskill youth are looking forward to improving their game at the new Roskill Youth Zone; Auckland Heritage Festival 2011 imagery; Auckland Council Light Box Installation Opening; Waterfront Art Installation

2. General Issues

Issue - Terminology and categorisation

The use of clearly defined terminology and categorisation within the unitary plan that is consistent with complementary policy and legislation.

Explanation
Inconsistent use of terminology and unclear definitions across policy documents creates a disconnect between council departments resulting in misunderstanding of outcomes and allows for the manipulation of the consenting, licensing and enforcement procedures. Numerous resource management related issues are also addressed under other statutes and policies. Often these statutes and policies aim to achieve similar or complementary outcomes. However, the use of terminology in these policies and statutes varies, sometimes significantly. Unclear definitions can be difficult to enforce resulting resource intensive communication between council officers and the public. The definition of home occupations and entertainment facilities in relation to commercial sex premises as well as the categorisation of public areas across the unitary plan, Heritage and Community, Cultural Policy departments are recent examples.

<u>Approaches to address Issue</u>
- Use clearly defined terminology and categorisation in the unitary plan that is consistent with relevant legislation and complementary policy;

<u>Non Regulatory Approaches to address Issue</u>
- Develop consistent interpretations and categorisation for implementation council wide

Issue - Project alignment

Project alignment of the unitary plan with the project plans and consultation required for complementary topics.

Explanation
Auckland Council has inherited several approaches for the management of the commercial sex industry, the sale and consumption of alcohol, gambling, social infrastructure, public arts and events. Depending on the subject, legacy councils use a policy framework that may have included regulatory and non regulatory policy. For example, some legacy councils either relied solely on the bylaws or used a combination of district plan rules and bylaws to regulate brothels and commercial sex premises in their district. Several subjects are feeding into this component of the unitary plan, each being at varying stages through the project development process and some are awaiting decisions on central and local government legislation that will directly affect the type of policy developed which in turn has a direct impact on the unitary plan. Delays in decisions on legislation increase the likelihood of the unitary plan being used as an opportunity to address matters that are better dealt with by alternative policy.

In circumstances where complementary policy development is in alignment with the unitary plan, it is advantageous for both council and stakeholders if the consultation process is aligned.

<u>Gambling, Public Arts and Events</u>
The strategy and policy teams for these subjects are within the early stages of the policy development process. At this stage, it is too early for all the region wide issues for these matters to be known and fully understood. In terms of events, the Events Policy will focus on defining council's desired outcomes for events, defining different types of events, and determining roles and responsibilities. Through the development of the Event Policy, it is likely other issues will be identified that can feed into the Unitary Plan development

Commercial Sex Industry
A programme of work is currently underway to develop a consistent region wide framework for the management of the commercial sex industry in Auckland. The concurrent review of existing controls through the commercial sex industry programme and the creation of the unitary plan, provides Auckland Council with an opportunity to ensure that the resulting documents are consistent, complementary and effective. This includes consistency from a communications, consultation and engagement perspective.

A coordinated approach may lessen the demands on staff further along the process should council decide to rely more heavily on the unitary plan. If it is decided to regulate using only the unitary plan, then more detail will be required within the unitary plan to effectively regulate than is required if a bylaw approach is pursued. It may be less difficult to incorporate additional information into the unitary plan if there has been a coordinated approach between the projects.

Alcohol
Policy managing the impacts associated with licensed premises may overlap and delays to the Alcohol Reform Bill increase the risk of stakeholders advocating for the inclusion of alcohol related controls into the unitary plan that might be more effectively addressed in a Local Alcohol Policy. Given the significant overlap between the potential content of the unitary plan and the Local Alcohol Policy, relating to the management of environmental impacts associated with licensed premises, council must ensure that the approaches taken in each project are complementary of one another. This includes consistency from a communications, consultation and engagement perspective.

Council will need to be clear about the objectives and scope of each project to mitigate the risks of regulating controls being included in the unitary plan that may be more appropriately addressed through the Local Alcohol Policy. Any further delays to the Alcohol Reform Bill are likely to increase this risk. For example, communities may submit to council that the Unitary plan should be used to regulate the density of licensed premises. However, if the Bill is passed as currently proposed, territorial authorities would be specifically empowered to address these issues through the Local Alcohol Plan (i.e. the legislation would provide a more direct mandate). Policy will need to support each other through appropriate reference in advice documents to educate industry operators.

Approaches to address Issue
- Align the consultation required for the unitary plan with the consultation required for complementary policy development where possible community;
- Ensure that there is a clear distinction made between what will be regulated via the unitary plan and what will be controlled through complementary policy and bylaws. Align the content of the unitary plan with complementary policy to ensure that the unitary plan cannot be misconstrued as pre-empting the content of other council policy and to ensure that there are no gaps. This can also be achieved by clearly identifying and communicating the RMA provisions and origins of the matters for consideration;
- Make explicit the scope and matters of consideration of the separate projects, identifying any gaps and acknowledging overlaps in project communications, including all relevant consultation documents.
- If council receives submissions on the unitary plan that would be more appropriately considered as part of consultation on other policy, share the information with relevant teams. This may require establishing an information management process.

Commercial Sex Industry

Introduction
The decriminalisation of prostitution following the Prostitution Reform Act 2004 arguably increased the visibility of the commercial sex industry. It has changed the landscape within which brothels, (including small owner operator brothels) and street prostitution operates. Small owner operated brothels (SOOBs) as defined in the Prostitution Reform Act 2004 are brothels where no more than 4 sex workers work, and where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel.

The Auckland Council has inherited different approaches to the regulation of the commercial sex industry from legacy councils. The development of an 'Adult Entertainment Framework' Programme provides an opportunity to develop a standardized approach for the management of adult entertainment related issues within the region whilst being cognizant of the changes to the industry following the PRA 2004. The Programme broadly defines adult entertainment premises as places where commercial sexual services and acts take place (e.g. brothels, SOOBs) and those where these acts do not take place (e.g. sex shops).

Council is yet to decide on the approach to the regulation of commercial sex premises. The approach may be through the unitary plan alone or also through the development of a bylaw. If a bylaw is deemed appropriate, it may include a requirement for licensing separate to that of the PRA licensing requirements. A complementary bylaw for street prostitution may also be developed.

For the purpose of this report, the commercial sex industry includes brothels, SOOBs, strip clubs, and retail shops. Please note, references to licensing and licensed premises in this section refer to the District Court and Ministry of Health requirements that must be met by commercial sex premises (that do not qualify as SOOBs), as outlined in the PRA 2004.

Issue - Effective and long term regulation of the commercial sex industry

- Unitary plan provisions may be ultra vires, by being too restrictive as to be prohibitive, undermining the achievement of outcomes.

Explanation
Adult entertainment premises can be a contentious topic. The regulation of adult entertainment premises should improve outcomes for the entire community and be within the permissible legislation. Policy cannot be too restrictive as to be prohibitive. Council will need to be clear about the objectives and scope of both regulatory and non regulatory methods to mitigate the risks of controls being implemented through one method, that would be more appropriately addressed through the other. Complementary policy will need to support each other through appropriate reference in advice documents to educate industry operators.

Approaches to address Issue
- Ensure the content of the unitary plan (e.g. around locations and density) aligns with the content of adult entertainment policy and any new bylaws (if, following a review, the development of a bylaw is deemed appropriate);
- Ensure that there is a clear distinction made between what will be regulated via the unitary plan and what will be controlled through the adult entertainment policy and bylaw (if a bylaw is deemed appropriate);
- Ensuring there are no gaps in the content of the adult entertainment policy framework and the unitary plan.

Issue –Commercial sex activities operating at a commercial scale have an adverse effect on residential amenity

- Commercial sex premises in residential areas that are operating beyond the scale of a home occupation / small owner operator business, reduces the residential amenity of the

neighbourhood. This is exacerbated by the high presence of commercial sex premises in some residential areas of the city.

Explanation
Compliant home occupations or small owner operator businesses, of a commercial sex nature are discreet. Commercial sex premises that are operating beyond the scale of home occupations or small owner operated brothels in residential areas is a concern. Resident's complaints commonly relate to clients knocking on the wrong doors at night, clients that park outside other properties and the movement of traffic and clients at odd hours. These factors contribute to noise and nuisance and reduce the residential amenity of their neighbourhoods. There is a strong relationship with this issue, high enforcement costs and the need to use clear and enforceable terminology.

Approaches to address Issue
- Use clearly defined terminology (eg home occupations) and categorisation in the unitary plan that is consistent with relevant legislation and complementary policy;
- Investigate the potential for small owner operator brothels be separately defined within the unitary plan and a set of performance standards or development controls or both for their operation.

Issue - Business viability

- The presence of commercial sex premises and street prostitution has a perceived adverse effect on the viability of town centres and business districts.

Explanation
Street prostitution as well as unregulated commercial sex premises affects the amenity of town centers (including suburban town centres) and business districts through the nuisance that it creates to both wider users of the area as well as existing businesses located there. Nuisance posed by street prostitution includes noise, disorderly behaviour and the presence of dangerous litter and rubbish (condoms, litter, needles and other paraphernalia) strewn within the district and town centres. Business owners have had to remove such litter left behind by street prostitution. The stigma associated with street prostitution, coupled with the nuisance street prostitution creates, has pushed businesses to relocate out of some areas.

The relationship between alcohol consumption, disorderly behaviour and commercial sex premises is an issue and can contribute to the perception of an area as being particularly unsafe.

Clear definitions and indisputable differences between commercial sex premises such as massage parlours, brothels, strip clubs and small owner operator business is necessary to determine and make known, the type of activities that are anticipated in an area. Clarity in this area will also assist monitoring and enforcement procedures.

Approach to address Issue
- Introduce regulatory provisions that incorporate Crime Prevention through Environmental Design (CPTED) principles as part of the urban design component of the built environment to ensure safe and inclusive communities, and to manage the movement and dispersal of people from areas, as well as discourage street prostitutes from operating after hours.

Of note: The enactment of the Auckland Council (Manukau) Regulation of Prostitution in Specified Places Bill will enable council to control the location of street prostitution.

Non Regulatory Approach to address Issue
- Investigate implementing a system for complaints to be correctly identified, filtered and monitored so that enforcement can follow up on unregulated commercial sex premises.

Issue - Crime, harm and safety

- Commercial sex premises and street prostitution have been associated with organised crime and diminish the perception of safety for the occupants and users of the receiving environment in both commercial and residential areas.

Explanation

There are safety concerns for users and occupants of commercial and residential areas where there is presence of street prostitution. Complaints around being propositioned by street prostitutes and women being mistaken for street prostitutes creates the perception of an unsafe environment for wider users of the area.

Additionally, users and occupants of these residential and commercial areas are exposed to dangerous litter and rubbish (used condoms, needles and other paraphernalia) due to street prostitution in the area.

There is an element of organised criminal activity in the commercial sex industry particularly in the areas of human trafficking and the employment of underage sex workers and illegal immigrants. These activities are commonly associated with unlicensed premises, which are typically difficult to find or monitor.

Licensing and consenting requirements do not involve engaging with the workers. In some occasions, the workers are deliberately separated from council officers to avoid inquiries. This limited interaction with the workers leaves concerns about their health and well-being of workers, particularly those working within unlicensed premises, unaddressed.

Approaches to address Issue

- Develop urban design standards and in particular, the Crime Prevention Through Environmental Design (CPTED) principles, to be incorporated within the built environment component of the unitary plan that control the movement and dispersal of people from areas with commercial sex industry premises;
- Requirements for all brothels to be licensed, irrespective of the size and scale be investigated as part of the research into developing a commercial sex premises bylaw.

Issues – Commercial sex premises can create resource intensive demands on enforcement teams

- There is a disconnect between the land use, health and commercial sex industry legislation which create unsustainable, resource intensive demands on enforcement teams within council and the police.

- Council enforcement teams are receiving complaints forwarded from the Police about commercial sex premises. The highest number of commercial sex industry complaints received relate to unlicensed establishments in residential areas which are almost always, infringing and are generally by repeat offenders. The wording of some district plan provisions has led to difficulties in enforcing the district plan and in proceeding to prosecution.

- Monitoring compliance with licensing conditions and enforcement of licensing and regulatory provisions is essential to prevent social harm. This is also resource intensive. The ability to inspect premises under the Resource Management Act is limited.

Explanation

A comprehensive approach beyond the scope of the unitary plan is required to effectively address these issues. It begins with coordination between the unitary plan and the commercial sex policy, supported by the relationship and information sharing between regulatory, licensing and enforcement teams, and the police and early intervention by providing the public with information at front of house.

Feedback received from legacy council enforcement officers highlight the difficulty in enforcing district plan home occupation provisions. This is due to the unclear wording or unmeasurable

provisions. The largest number of complaints about commercial sex premises is in relation to such operations. Operators choose to relocate to other premises, which are often also residentially zoned rather than complying. The process becomes cyclical and enforcement time increases.

There is the opportunity to introduce a fees structure for commercial sex industry licensing that enables the recovery of some costs. In setting these fees, it is an option that the local authority will also be able to take into consideration the costs of monitoring compliance of the license conditions, however such a method is outside of the scope of the Unitary Plan.
Some district plan provisions are vague and rely on an interpretation of the scale of effects, creating difficulties in determining non compliance.

The enactment of the Auckland Council (Manukau) Regulation of Prostitution in Specified Places Bill will enable the council to develop a bylaw that could control the location of street prostitution across the region, and not only Manukau, through localised restrictions. There is no indication of the timeframe for this bill as it is a private members bill. The regulation of street prostitution has the potential to be highly resource intensive in its enforcement.

Approaches to address Issues
- Use interpretations and categorisation for the Unitary Plan that are consistent with policy and legislation that has a relationship with the Unitary Plan to support the relationship between departments.
- Use the specific and measurable parameters such as those contained within some legacy council district plans for home occupations, to limit discrepancies over the scale of an activity.

Non Regulatory Approach to address Issue
- Investigate the use of risk based fees in the costs applied to licensed premises. This will assist with the allocation of sufficient budgets to monitoring and enforcement resources.

Alcohol

Introduction
The sale and consumption of alcohol is a topic with a high community interest. Of particular concern is the proliferation of off-licences, particularly in low decile communities, and also the availability of alcohol at corner dairies. The Alcohol Reform Bill is currently with the Select Committee. A report was due to back to Parliament on the Bill on 23 June 2011. However, this has now been postponed until 30 August 2011. Significant points of the Bill include:

▪ The Bill clarifies when and how liquor bans / controls can be developed and the relevant level of information or evidence that must support the controls;
▪ The Bill enables council to develop Local Alcohol Policies that can regulate the location and density of liquor outlets. At this stage, the term 'Local' has more of a regional context than an area context.

Relevant Legislation

Sale of Liquor Act 1989 - entire statute
• Regulates liquor licensing matters
• Sets out the powers and processes of the District Licensing Agency

LGA 2002
• s147 - empowers council to make bylaws for liquor control purposes (i.e. liquor ban bylaws)
• ss169 & 170 - provisions relating to enhanced powers of search for liquor ban areas
• s86 - requirement to follow SCP when making bylaws
• Other general provisions relating to consultation and bylaw development processes.

Local Government (Auckland Council) Act 2009
• Provisions relating to role of local boards regarding bylaws (ss24 - 28)

Issue - Planning controls and the relationship with proposed legislation

▪ Potential for the unitary plan and Alcohol Policy to:
- overlap and undermine, or
- support and reinforce each other.

Explanation
Clauses 75-92 of the proposed Alcohol Reform Bill enable local authorities to develop Local Alcohol Policies that will determine the criteria for granting liquor licenses and the conditions that can be placed upon these. There is a similarity between the criteria used in the Alcohol Reform Bill, particularly clause 100(h)], and resource management considerations. Matters such as residential amenity and traffic which are likely considerations in the unitary plan for licensed premises of a particular nature, are also considerations available for the licensing departments as provided under the Local Alcohol Policies. Essentially, there is potential for planning policy and the local alcohol policy to be considering very similar matters. Care needs to be taken that the two documents complement each other without creating contradictions or undermining the integrity of the policy development process.

Approaches to address Issue
• Align engagement with community, industry and local boards as identified as stakeholders, on alcohol related aspects of the unitary plan with engagement on Local Alcohol Policy and ensure the content of the unitary plan (e.g. around locations, proximity, density and hours of trade) cannot be misconstrued as pre-empting the content of the Local Alcohol Policy.
• This can also be done by clearly identifying and communicating the Resource Management Act provisions and origins of the matters for consideration for licensed premises.
• Following on from the above point, ensure that there is a clear distinction made between what will be regulated via the unitary plan and what will be controlled through the Local Alcohol Policy.

- Ensuring the content of the Local Alcohol Plan follows on from where the unitary plan finishes by addressing alcohol issues in a specific manner than justifiable by the Resource Management Act.
- If council receives submissions on the unitary plan that would be more appropriately considered as part of consultation on the Local Alcohol Plan, notify submitters that this is the case. This may require further investigation into the rules governing the public submission process.

Issue - Public safety

- The presence of alcohol affected people and the effects associated with drinking such as vandalism, noise, violence, disorder and effects on business, diminish the public perception of safety and reduce residential amenity.

Approaches to address Issue
- Following alignment of Local Alcohol Policy with resource management considerations and engagement with stakeholders, develop consistent regulatory methods to control the location and density of licensed premises supported by matters to be considered that address social issues.
- Develop urban design standards and in particular, the Crime Prevention Through Environmental Design (CPTED) principles, to be incorporated in the Unitary plan that control the movement and dispersal of people from areas with licensed premises.

Issue - Alcohol consumption in public space

- Public places in the vicinity of licensed premises can become 'hot spots' for public drinking.

Approach to address Issue
- Develop consistent categories of public spaces implemented throughout council policy with relevant statutes to enable blanket alcohol control methods on particularly vulnerable public spaces.

Issue – Licensed premises can create resource intensive demands on enforcement teams

- There is a disconnect between the licensing and regulatory planning teams which create unsustainable, resource intensive demands on enforcement teams within council and the police.

Explanation
Monitoring compliance with licensing conditions and enforcement of licensing and regulatory provisions is essential to prevent social harm. This is also resource intensive. Certain licensed premises have a higher scale of adverse effects or potential effects that are more difficult to manage. A comprehensive approach beyond the scope of the unitary plan is required to effectively address these issues. It begins with coordination between the unitary plan and the Local Alcohol Policy, supported by the relationship and information sharing between regulatory, licensing and enforcement teams and early intervention by providing the public with information at front of house.

Part 8 of the Alcohol Reform Bill introduces provisions for the introduction of a full cost recovery fees structure for liquor licensing. This includes provision for risk based fees variance. This will require local authorities to develop a mechanism for determining the level of risk various types of licensed premises present. In setting these fees, it is proposed that the local authority will also be able to take into consideration the costs of monitoring compliance of the license conditions. The proposed legislation also enables a lot broader range of conditions to be applied to alcohol licenses.

Approaches to address Issues

- Use clearly defined terminology and categorisation for the unitary plan that are consistent with policy and legislation that has a relationship with the unitary plan to support the relationship between departments.
- Utilise Part 8 of the Alcohol Reform Bill to include risk based fees in the costs applied to alcohol licenses. This will allow for the allocation of sufficient budgets to monitoring and enforcement resources.

Gambling

Introduction

The Gambling Act 2003 and Racing Act 2003 require territorial local authorities (TLAs) to regulate and manage certain types of gambling within their area through the development of a gambling venue policy. Under the Gambling Act, council is required to adopt a policy on class 4 venues for their district. Class 4 gambling is defined as any activity that involves the use of an electronic gaming machine outside of a casino. Class 4 gambling activities may only be conducted by a corporate society to raise money for authorised purposes.

Auckland Council has inherited several approaches that regulate the establishment of gambling venues including class 4 venues and casinos and New Zealand Racing Board (NZRB) venues as well as restricting the number of gaming machines that may operate at a class 4 venue. The table below provides an overview of legacy council's policy approach to gambling and the number of machines and venues operating[1]. Papakura has the highest number of machines per gambling venue in the region.

Legacy council	Policy approach	Number of gaming machines	Number of gambling venues
Rodney district	Cap on machines (432) and venues (39)	325	25
North Shore city	Cap on machines (651) and venues (46)	626	43
Waitakere city	Sinking lid	496	37
Auckland city	Sinking lid with relocations	1,384	106
Manukau city	Sinking lid	938	65
Papakura district	Cap on machines (229)	203	12
Franklin district	Open	270	20
Totals		**4,242**	**308**

There are a number of wider issues that fall outside the scope of a council gambling venue policy, such any expansion to casino gambling in Auckland, and ensuring corporate societies distribute funding to the communities where gambling proceeds are generated. In order to address these issues, it would require council to advocate for legislative changes to the Gambling Act 2003. Some legacy council district plans make provision for casinos. The unitary plan will need to reflect these provisions where appropriate.

One matter that has not been identified as an issue as it requires further investigation is the requirement that venue must hold a liquor license before they are able to obtain a gambling license. The intention behind this requirement requires clarification. It could be perceived that the sale of liquor may be conducive to the use of the gambling machines. However, it may be that management of gambling venues is very similar to that of licensed alcohol venues in that only patrons over the age of 18 are permitted to use the facilities and so gambling venues 'piggy back' off the management techniques in place within licensed alcohol premises.

Relevant Legislation

Section 101(3) of the Act states that a TLA's class 4 venue policy:

▪ must specify whether or not class 4 venues may be established in the TLA district and, if so, where they may be located
▪ may specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue.

The Act also amended the Racing Act 2003 to require TLAs to adopt a New Zealand Racing Board (NZRB) venue policy for their district. The policy must specify whether new NZRB venues

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[1] All figures are provided by the Department of Internal Affairs and are current at 31 March 2011.

may be established in the city, and if so, where they may be located. The council's policy only applies to standalone NZRB venues and does not extend to other venues such as clubs and bars where TAB betting services are provided.

Section 102 of the Act also has clear guidelines for the adoption, and review of a class 4 venue policy, it states that:

(1) A policy on class 4 venues under section 101 must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002 and, for the purpose of subsection (1)(e) of that section, the territorial authority must give notice of the proposed policy, in a manner that the territorial authority considers appropriate, to—

(a) each society that holds a class 4 venue licence for a venue in the territorial authority district; and
(b) organisations representing Maori in the territorial authority district.

(2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.

(5) A territorial authority must complete a review of a policy within 3 years after the policy is adopted and then within 3 years after that review and each subsequent review is completed.

Issue – The location of gambling venues in areas of high deprivation

▪ Locating gambling venues in areas of high deprivation and high risk residents may exacerbate the wider social and economic problems that are created through gambling.

Issue – Behavioural patterns

▪ The proximity and density of gambling venues within an area affects the behavioural patterns of gamblers. Locating venues within close proximity to each other exacerbates problem gambling behaviour as users move from venue to venue.

Issue – The wide spread effects of problem gambling

▪ The most severe effects of gambling extend beyond the scope of the gambling individuals themselves. Research indicates that problem gambling generally affects the individual plus seven other people within their lives. Addressing the negative implications of gambling are about protecting those in relationships with gambling individuals such as family members.

Explanation
Areas of high deprivation are often more vulnerable to the negative effects of social ills such as problem gambling. Residents of areas with high unemployment and limited financial income and guidance may be particularly vulnerable. The location of gambling venues to other venues and to sensitive uses will affect whether or not the social issues caused by gambling will improve or will be exacerbated. For example, behavioural observations show that users move between venues depending on when jackpots are anticipated, lengthening the time spent gambling. Separating venues lessens the freedom and frequency of movement between venues, particularly if users are drinking alcohol.

Approaches to address Issues
• Develop consistent regulatory methods within the unitary plan to control the location, density and signs of gambling venues (and licensed premises) supported by matters to be considered within resource consent applications that address social issues.

Non Regulatory Approach to address Issues

- Undertake a body of research to:
  - identify the residents of the region that may be more vulnerable to problem gambling and its wider effects;
  - identify regional gambling trends, in particular any increases or reductions in gaming machines and venues across Auckland;
  - analyse where clusters or over-representations of gaming machines and venues are located across Auckland
  - analyse the proceeds from gambling to understand how and where the proceeds are distributed amongst Auckland's community groups
  - Assess legacy councils gambling venue policies to ascertain where their approach to gambling reduced gambling and the harm caused by gambling.

  This information will help inform the appropriate location and density controls.

Social Amenities, Infrastructure and Well-being

Tupu Youth Library, Otara; The new-look Mt Roskill Community Library and Fickling Convention Centre; Epsom Girls Grammar

Introduction

In this context social amenities and infrastructure refers to the regional, local and community scale public systems, services and assets that are necessary for the social well-being of the region's residents. People locate in areas where there is quality social amenities and infrastructure. The development of the unitary plan is an opportunity to provide for social amenities and infrastructure in areas lacking and areas of growth. Social amenities and infrastructure includes:

- education at all levels;
- physical and mental health facilities at all scales;
- religious, cultural, arts, and events;
- employment, welfare and social services;
- life-cycle targeted facilities such as early childhood centres and retirement villages;
- facilities and services for those with particular needs.

Open space and recreation spaces (in the form of organised sports fields) are addressed within the Open Space and Recreation component of this workstream.

Issue – The inadequate provision of social amenities and infrastructure

- Changing demographics, intensification without complementary increases in the provision of social amenities and infrastructure and inflexible policies surrounding use and occupation has resulted in inadequate social amenities and infrastructure to meet resident's needs.

Explanation

Auckland's demographics are changing and there is an increasing diversity among age groups and ethnicities. This creates a difference in needs and preferences for genders, age groups and ethnic groups. Intensification and development has been occurring without a complementary increase in the provision of social amenities and infrastructure. Conversely, inflexible policies around the use and occupation of existing assets and facilities, prevents communities from using these to their full capacity.

Issue – The need for social amenities and infrastructure to be accessible

- Limited accessibility to facilities and public transport are common barriers to the use of social amenities and infrastructure for children, young people, older people and disabled people. This is particularly relevant to children and young people as they are the biggest users of social amenities and infrastructure in Auckland.

Explanation

Amenities and infrastructure that are only accessible by private vehicle exclude a large portion of the community who need to use them. Lower socio-economic areas typically have less access to all amenities and infrastructure such as social facilities, employment opportunities, affordable housing and transport options, exacerbating negative social issues. Planning future growth and provision of all amenities and infrastructure around public transport options and high quality walking and cycling networks creates positive social, economic and environmental outcomes, such as an inclusive community and increased use of assets.

Issue –Land availability and barriers to providing social amenities and infrastructure

- The availability of sites and land and community acceptance can be barriers to providing new social infrastructure in developed areas.

Explanation

Some types of social infrastructure are land intensive such as educational and large scale health facilities. Difficulties in obtaining community acceptance and buy in can be a barrier for some uses such as justice and specialist medical facilities. If these are not accommodated within early planning then the cost of retrofitting a neighbourhood will be expensive. However, retrofitting is possible and social infrastructure and amenities can be achieved in less traditional methods than land intensive methods. Ensuring more contentious uses are balanced by other social amenities in an area can be an effective way to address community concerns.

Issue – Our youth are not meeting their potential

- New Zealand's youth are more disadvantaged than youth in other countries, with health and safety, unemployment, crime, and teenage birth outcomes all being worse than the average outcomes for the OECD.

Explanation

Children and young people are disproportionately living in disadvantaged families and local communities and disproportionally are Maori, Pacific and other ethnicities-and this is projected to continue into the future. New Zealand's suicide rate for 15 to 19 year olds is the highest in the OECD. Whilst the overall youth suicide rate has almost halved in the last decade, there has been no decline in the high suicide rate of young Maori. Suicide is an indicator of unaddressed mental disorders and a lack of social cohesion and integration. People may commit suicide because they do not have the skills and resilience to resolve or overcome issues and then when they encounter issues, there are insufficient protective factors. Protective factors include an adaptive temperament, good self-esteem, problem solving skills, social support and networks including a close relationship with at least one family member, positive school experiences, and spiritual faith.

Issue – Perception of safety and attractiveness

- The appearance and built form of social amenities and infrastructure can reduce the perception of safety for users and hence its use.

Explanation

In general, poorly maintained facilities can attract further degradation and criminal behaviour. Facilities with a degraded appearance are perceived as being unsafe and therefore are likely to be under used. Known urban design principles can influence the desired use of facilities at particular times such as encouraging day time use and discouraging night time use when the environment may not be as safe.

Issue – Children and health related illnesses

The prevalence of health-related illnesses amongst children is growing, in particular respiratory illnesses and diabetes.

Explanation

Increasing prevalence in health illnesses can be attributed to poor air quality, inadequate housing, lack of physical activity and poor nutrition. Reliance on private vehicles has indirect health impacts on the community such as reduced physical activity and reduced air quality through increased vehicle emission pollutants. The rationale behind locating facilities and services such as child care centres and schools away from more industrial areas is widely understood and accepted. Research indicates that the location of such activities near high volume traffic arterials affects the

development of children's respiratory systems. The relationship between children's health and high volume transport arterials needs to be considered in the development of the unitary plan.

Issue – Neighbourhoods and self sufficiency

- Mixed use planning, high quality public domains and pedestrian environments improve the liveability and self sufficiency of neighbourhoods.

Explanation

A vital function of neighbourhoods is the local provision of services, retail, community infrastructure and employment. Self sufficient neighbourhoods reduce the need for private vehicle travel, increase accessibility and convenience, particularly for young people and the elderly, promote sustainability and resilience, and promote a sense of community belonging. Traditional self sufficiency has been reduced through gentrification, intensification and the relocation of some land uses from the town centres to an agglomeration of similar uses in another place, where the land is typically cheaper. The location of, or continuation of some essential services within town centres or local neighbourhoods may have been more difficult in recent years as these activities create a higher scale of adverse effects on the receiving environment. This creates consenting difficulties relating to effects on the receiving environment and reverse sensitivity effects.

Issue – Social cohesion

- Auckland does not effectively leverage off its increasing cultural and ethnic diversity, missing social, cultural and economic development opportunities.

Social cohesion is developed within communities where people know their neighbours, participate in civic matters, share values and feel a sense of belonging. Connections with other neighbourhoods and being well connected to public transport can promote sustainability, equality and quality of life. Isolated communities such as 'gated' communities and a high percentage of rental properties is not conducive to social cohesion. Physical and 'soft' social infrastructure and community events promote neighbourhood connectivity, ownership and belonging.
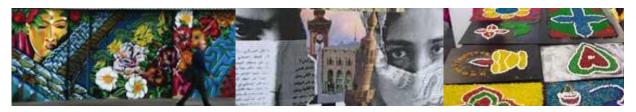
Approaches to address Issues

- Introduce regulatory mechanisms with appropriate enabling controls supporting a comprehensive range of social facilities and services within existing communities and areas of growth. This will create opportunities that can be realised by either the public or private sector or through partnership with community stakeholders such as Iwi and Mataawaka and Pacific People's organisations;
- Provide regulatory mechanisms that enable the co-location or clustering, and adaptable use and multiuse of the existing and future social amenities and infrastructure that allow for changes in demographics;
- Focus the provision of social amenities and infrastructure around areas with supporting walking, cycling and public transport infrastructure or time such transport improvements around these areas to ensure that movement, particularly for children and young people within communities and the region is safe and efficient without relying on private vehicle transport;
- Introduce regulatory provisions that incorporate urban design principles such as CPTED, as a fundamental requirement of the built environment to ensure accessible and inclusive communities, to minimise maintenance and increase the perception of safety for users;
- Investigate regulatory mechanisms that support a more varied use of land around town centres with appropriate controls to balance the protection of the receiving environment whilst not being too restrictive on the activity.

Non Regulatory Approaches to address Issues

- Initiate discussion with central government agencies on the location, the acquisition of land, and the timing and sequencing of key social amenities and infrastructure with priority afforded to areas with a high proportion of children and young people and the greatest need. Early

discussions with agencies that are not requiring authorities such as the Ministry of Health, District Health Boards may be particularly important;

- Council to consider participating or facilitating partnerships with community stakeholders to provide social amenities and infrastructure for communities;
- It is proposed to collate an inventory of social amenities and infrastructure. This will guide future provision;
- Consider repositioning underutilised community facilities to more prominent locations to boost the profile and improve the connections of services and facilities to the community, town centre.

Public Arts

Auckland Council Artspace, Diwali,

Introduction

Public art is a fluid concept. Public art incorporates artworks in public spaces that are visible and accessible to the general public. It also includes principles and processes that may or may not incorporate objects, such as:

- Artist and other design professionals contributing to the thinking and design of public places and spaces
- Art concepts and/or artworks and/or design features integrated into urban and neighbourhood design developments (including buildings, streets, parks and other public space); artworks in public places
- Artists working in and with communities in public spaces
- Art processes and artworks in the public sphere that may be variously described as sculpture, performance, new-genre public art including graffiti and street art, relational aesthetics, and/or installations

Public art works are owned by Auckland Council, or may be owned by third parties and lent to Council for inclusion in its public art collection. Other works may be owned by Council, but located on a third party's property, or owned by others but maintained by Council under an agreement. Art that is located on private property but is visible to the general public contributes to the public realm. However, as it is often outside of the scope of Council control, it is not included within this report.

Issue – Appropriate provision

- Art that is relevant and inspires, will create well being, ownership, and care within a community.

Explanation

Uninspiring or irrelevant public art will create little public ownership or pride. The value of art is subjective and will never appeal to everyone who sees it. However, it must be most relevant to those with the closest relationship to its locality. Public art reflects and celebrates the valued and unique qualities of Auckland at a neighbourhood, town centre and region wide scale. It is a visible indicator of a city's creativity, wealth of talent, cultural diversity, openness and richness of lifestyle. Contemporary art is appealing and inspiring to youth, creating a sense of ownership, care and respect towards the preservation of the work. In some cases, providing for and funding contemporary public art will require an acceptance by decision makers of forms of art that have traditionally been less accepted by the general public but may be highly relevant now. Planning needs to allow for fair distribution, evolution and development of these aspects as the city changes.

Issue – Funding

- Council has the opportunity to review legacy council funding processes and to build on relationships developed by legacy councils with external organisations to provide or sponsor public art facilities or projects.

Issue – Performance of the built environment and protection of the natural environment

▪ Public art can revitalise redundant or underused public spaces and the built environment, making the city and region more attractive for living and working.

Explanation
The desired outcome should dictate how public art is incorporated within the environment. Public art can be the attraction to an area or contribute to the beautification of streets, transport corridors and transit environments and also deter antisocial behaviour. Partnerships with artists, organisations and agencies such as NZTA and Ontrack provide opportunities to achieve these desired outcomes.

Approaches to address Issues
- Use terminology in the unitary plan that is consistent with the relevant legislation and Auckland Council-wide policy for example, the definition of a building;
- Introduce regulatory mechanisms with appropriate enabling controls supporting the provision of a range of formal and informal public art;
- Investigate the use of financial contributions or development control provisions to provide for public art funding;
- Investigate including greater discussion within the unitary plan of the resource management issues surrounding public art in the region.

Non Regulatory Approach to address Issues
- Identify gaps that may affect the formation of a public arts network.

Events

Introduction

Events in Auckland range from small scale community events to large scale commercial events. Events can occur in a wide range of spaces including parks, civic space, the street network and purpose built facilities. Events can be delivered by voluntary community organisations, council or commercial event organisers. Typically events are of short-term duration, temporary nature, either a few hours to few days, however there are an increasing number of festivals which are a series of individual events that contribute to an overall programme. Events can be based on a wide range of activities including recreation, community, art, music, culture, environmental or commercial. Events contribute a wide range of benefits including making the city more lively and vibrant, connecting communities, reflecting community and ethnic diversity, expressing artistic and cultural values, developing city-pride, a source of economic development and attracting tourists.

Issue - Over-emphasis on large scale events with little focus on local community events

- There is a perception that events are focussed on tourism rather than residents. An over emphasis on individual events misses the opportunity for a continually vibrant city. Auckland needs events, particularly at the local level, as they foster connected communities and a sense of pride and belonging.

Explanation

Events contribute to Auckland being an energetic and lively city. It needs to be recognised that disruption can support innovation and creativity. Events reflect, celebrate and value the unique qualities of Auckland at a neighbourhood, town centre and region wide scale. These are visible indicators of a city's creativity, wealth of talent, cultural diversity, openness and richness of lifestyle. Planning needs to allow for evolution and development of these aspects as the city changes.

Issue –Event Locations

- Increasingly, event organisers are looking to stage events in a variety of different spaces. Cultural institutions and performance spaces are focussed in the main centres with scarce resources at local level. Conversely, some key locations, spaces and facilities in areas are being underutilised.

Explanation

Clarity within the unitary plan would help event organisers identify early in the project process spaces that are suitable for events and where other objectives such as residential amenity or environmental values may be more important and therefore place greater restrictions on holding events in these spaces. Greater flexibility within the temporary activities provisions within the unitary plan and within the multiple use and occupation of spaces will enable more events.

Issue – Environmental effects of events

- Balancing the benefits of events, particularly region wide events, with the adverse effects that they generate is difficult, particularly within a tight timeframe.

The benefits of hosting events in preferred locations may conflict with resource management objectives. However there is the potential that events can assist in creating appreciation for, and to protect and enhance the sensitive features of the region. At times, unplanned or informal events occur. Due to the spontaneous nature, the effects are often not considered but may only last for a short period of time. Street performance add vitality to city life but there is a need to control the location where street performance is appropriate, controlling the noise and pitch levels, the hours which are appropriate, safety associated with 'dangerous' acts and the required licence or permits. While the effects need to managed, care is required to ensure citizen rights are not curbed. This may be more appropriately managed through Bylaws rather than the unitary plan. In

addition, early identification of sites that are accessible and have few planning restrictions may help reduce time spent by council event coordinators on the regulation processes.

Issue – Restrictive temporary activity provisions

▪ The most permissive district plan approach for an event is to use temporary activity provisions. However, temporary activity provisions are too restrictive, limiting the time for the public to participate in an event once set-up and pack-up time is accounted for.

Explanation
Events are temporary in nature and often occur outside of normal working hours. The set-up and clean-up for events are undertaken in intensive periods to ensure that the maximum time possible can be allocated to the actual event rather than the preparations and clean up. Controls need to balance facilitating the operational aspects of the event whilst also managing the effects on other environments.

Approaches to address Issues
- Use terminology in the unitary plan that is consistent with the relevant legislation and Auckland Council-wide policy for example, the definition of a building;
- Introduce regulatory mechanisms with appropriate enabling controls supporting the provision of a range of formal and informal cultural, performance and event spaces, particularly at a local level;
- Engage stakeholders to guide the development of regulatory mechanisms for provisions such as temporary activities that support the local model for events with a focus on benefitting residents and using public space. These controls should take into account the scale, duration and nuisance effects arising from different events. This may include consideration of event specific content within the unitary plan;
- Utilise the current unitary plan development mapping process to identify sites with minimal regulatory hurdles and investigate the feasibility of these sites for potential event locations. This would allow potentially problematic locations or scales of events (from a RMA/District Plan perspective) to be avoided or for regulatory challenges to be identified in advance before there has been a lot of time and resources invested in event preparations;
- Investigate including greater discussion within the unitary plan of the resource management issues surrounding events in the region.

Non Regulatory Approaches to address Issues
- Identify gaps that may affect the formation of an events network.

Pasifika: Auckland Council event

Public Arts and Events

XNTRIK dance crew, Glenbrae scout hall, Auckland City Council Project: Riverside Community Circus, 2009, Khartoum Place, Auckland Central

Issue – Regulation process

- The regulatory process can be cumbersome, time consuming and expensive for artists, art providers, event organisers and internal council staff.

Explanation

The scale and location of events varies, as such, the effects of events can be very different, yet the controls and assessment requirements are the same irrespective of the size of the event. Under legacy council requirements a medium sized event may need around 10 consents, permits or licenses.

Most artworks cannot be installed / erected without requiring some form of consent, this is mainly due to overlay provisions which can override the permitted activity status within legacy district plans and the need for building consent. In terms of the building consent process, some artworks or sculptures may be exempt from the Building Act requirements therefore it can be difficult to determine in advance whether something will require building consent or not. This may change in the near future with anticipated changes to the Building Act.

Planning overlays are used where site or area specific provisions require a more restrictive approach than required by the zone. These can relate to coastal areas, heritage features and soil characteristics. These overlays can override the permitted activity status of activities in the zone, therefore triggering the need for resource consent. Some regulatory plans have required the use of land or buildings to consistent with any operative reserve management plan pursuant to the Reserves Act. Not all of parks or reserves throughout Auckland have reserve management plans and some plans do not contain provisions or reference to the public artworks or sculptures.
As a result, it is considered that a proposal for artworks is significantly dependent on where the site is and whether any additional constraints affect the chosen location.

The timeframes for the consenting process to implement art projects and to prepare for events may be lengthy. Artists, art providers, event organisers, external stakeholders and internal non regulatory departments may be unfamiliar with regulation restrictions, finding the consent process cumbersome. Internal co ordination of council departments adds to the time delays and preferred project locations may conflict with resource management objectives. In addition, from an arts perspective, council art coordinator resources are limited and don't allow forward planning. In terms of events many are delivered on small budgets and therefore the time and cost associated with getting permits and approvals can be a significant factor in the ease of organising the event.

It is important that timeframes and fees are relative to the scale and duration of different public art and event projects and that relevant controls are consistent and coordinated so that they are more easily understood.

Issue – Internal processes and budgeting

- Internal departments must use external consultants to prepare applications on their behalf to ensure there is no conflict of interest. This increases the project costs which can be difficult to determine as the costs of internal staff are changed on an hourly basis.

Explanation

Council departments that require regulatory consents are not exempt from making applications and paying fees. It is necessary that council does not act as the applicant and the consent authority, therefore, internal departments are required to obtain necessary consents through engaging external consultants to prepare applications on their behalf, adding extra costs. There is difficulty in wavering fees for internal departments as there is an issue with which departments bear the costs of processing the applications. This contributes to further budgeting difficulties as some consents are charged on an hourly basis.

Approaches to address Issues
- Use terminology in the unitary plan that is consistent with the relevant legislation and Auckland Council-wide policy for example, the definition of a building;
- Introduce regulatory mechanisms with appropriate enabling controls supporting the provision of a range of formal and informal public arts, cultural, performance and event spaces, particularly at a local level;
- Investigate the use of financial contributions or development control provisions to provide for public art funding;
- Engage stakeholders to guide the development of regulatory mechanisms for provisions such as temporary activities that support the local model for events with a focus on benefitting residents and using public space. These controls should take into account the scale, duration and nuisance effects arising from different events;
- Utilise the current unitary plan development mapping process to identify sites with minimal regulatory hurdles and investigate the feasibility of these sites for potential public art or event locations. This would allow potentially problematic locations, projects or scales of events (from a RMA/District Plan perspective) to be avoided or for regulatory challenges to be identified in advance before there has been a lot of time and resources invested in event preparations;
- Investigate including greater discussion within the unitary plan of the resource management issues surrounding arts and events in the region;

Non Regulatory Approaches to address Issues
- Consider identifying officers in relevant council departments, particularly the regulatory teams to be responsible for the arts portfolio and for the events portfolio as a component of their general responsibilities, ensuring consistency, reducing the number of necessary contacts within the relevant departments and developing an area of expertise;
- Investigate implementing streamlined pre-application and application regulatory processes for artists, art providers and event organisers. This will for example, allow sites with little or no regulatory barriers to be identified prior to organising events or commissioning of artworks.
- Prepare guidance documents for distribution to the public and external stakeholders outlining the regulatory process, the information that is required to be submitted to council as part of an application and exemptions from the Building Act;
- Prepare guidance documents for internal circulation to key departmental contacts.

APPENDICES

Appendix 1 Gambling Glossary

Term	Definition
Sinking lid	Council will not consent to any increase in the number of gambling venues or gaming machines currently operating within their area
Sinking lid with relocations	Council will consider the relocation of gaming machines subject to a number of criteria and on the provision that there is no increase in the total number of gaming machines
Cap	Council sets an upper limit on the number of gambling venues and / or machines that can operate within their area
Open	Council sets no limit on the number on gaming machines that may operate within their area. However council can only consent a maximum nine gaming machines at one venue
Class 4 venue	A pub or club that operates gaming machines
NZRB venue	A TAB venue that offers betting services

Appendix 2 Technical References

"Draft Auckland Regional Policy Statement", Auckland Regional Council, August 2010

"Auckland City Council Future Planning Framework 2010", Auckland City Council, 2010

"Auckland Regional Council Arts Strategy 2010 -2015", Auckland Regional Council, 2010

"Auckland City Council Public Art Review Final Report", Auckland City Council, August 2007

Technical Papers for the Auckland Plan, Auckland Council, 2011

- Maori Policy and Strategy in the Auckland Plan by Maori Policy & Relations Team
- Social Infrastructure Council Owned v2 by Wendy Zapart
- Central Government Social Infrastructure Report v1 Technical Workstream by Lee Haligan
- Template B of the Children and Young Persons v 3 Technical Workstream by Raewyn Stone
- Template B - Cultural strategy Technical Work stream Product Template by Beverley Fletcher

"Alcohol Related Harm Issues" prepared by Belinda Hansen and Michael Sinclair of Auckland Council, June 2011

"Public Art Issues for Unitary Plan Project", prepared by Susan Brooker of Auckland Council, August 2011

"Unitary Plan: Issues surrounding Events", prepared by Anita Coy-Maken of Auckland Council, August 2011

"Commercial Sex Policy of Waitakere City Council", Waitakere City Council, March 2007

"Auckland City Council, Community Planning Group, Public Artworks Regulatory Review," by Dominique Carter and Karl Cook of Barker & Associates, March 2005

"Public Art Programme Report (North)", Auckland Council, 20 January 2011- 10 February 2011

"Public Art Programme Report (Central)", Auckland Council, 20 January 2011- 10 February 2011

"Public Art Programme Report (West)", Auckland Council, 20 January 2011- 10 February 2011

"Public Art Programme Report (West)", Auckland Council, 15 April 2011- 13 May 2011

"Public Art Programme Report (Central)", Auckland Council, 15 April 2011- 13 May 2011

"Public Art Programme Report (North)", Auckland Council, 11 March 2011- 15 April 2011

"Public Art Programme Report (Central)", Auckland Council, 11 March 2011- 15 April 2011

Review of the following Draft Auckland Council Local Board Plans, August 2011:
- Eden Albert
- Devonport –Takapuna
- Franklin
- Great Barrier
- Henderson Massey
- Hibiscus and Bays
- Howick
- Kaipatiki
- Mangere Otahuhu
- Manurewa
- Maungakiekie – Tamaki
- Orakei
- Otara – Papatoetoe

- Papakura
- Puketapapa
- Rodney
- Upper Harbour
- Waiheke
- Waitakere Ranges
- Waitemata
- Whau

Review of the following Regional and District Plans:-

Regional policy statement
- Auckland Regional Policy Statement

Regional Plans
- Auckland Regional Plan: Coastal
- Auckland Regional Plan: Air, Land and Water
- Auckland Regional Plan: Farm Dairy Discharges
- Auckland Regional Plan: Sediment Control

District Plans
- Rodney District Plan
- North Shore City District Plan
- Auckland City District Plan (Isthmus, Central Area and Hauraki Gulf Islands)
- Waitakere City District Plan
- Manukau City District Plan
- Franklin District Plan
- Papakura District Plan