

Regulatory Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory Committee held in the Room 1, Level 26, 135 Albert St, Auckland on Thursday, 9 February 2017 at 9.30am.

PRESENT

Chairperson Cr Linda Cooper, JP
Members Cr Richard Hills
Cr Daniel Newman, JP
Cr Dick Quax
IMSB Member Liane Ngamane
IMSB Member Glenn Wilcox

ABSENT

Cr Efeso Collins
Deputy Mayor Bill Cashmore
Cr John Watson
Cr Mayor Phil Goff
Cr Sharon Stewart
Cr Wayne Walker
IMSB Member David Taipari

ALSO PRESENT

Lemauga Lydia Sosene
Carrol Elliott

Mangere-Otahuhu Local Board Chair
Mangere-Otahuhu Local Board

1 Apologies

Resolution number REG/2017/1

MOVED by Chairperson L Cooper, seconded by IMSB Member L Ngamane:

That the Regulatory Committee:

- a) **accept the apologies from Cr E Collins, Cr J Watson, Cr S Stewart and Deputy Chairperson W Walker and Member D Taipari for absence and Mayor P Goff and Deputy Mayor B Cashmore for absence on council business and Cr D Quax for early departure.**

CARRIED

2 Declaration of Interest

Cr L Cooper declared an interest in item C1: Local Alcohol Policy.

3 Confirmation of Minutes

Resolution number REG/2017/2

MOVED by Cr R Hills, seconded by Cr D Newman:

That the Regulatory Committee:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 1 December 2016, including the confidential section, as a true and correct record.**

CARRIED

4 Petitions

4.1 Save Te Arai - Aaron McConchie

Aaron McConchie, chair Save Te Arai presented a petition The petition has been placed on the official copy of the minutes. The prayer of the petition is as follows:

We request that:

1. Auckland Council immediately revoke the subdivision consent relating to the creation of lots 12-20 from lot 400 of the DP 483489 (SLC-65973 and REG-66297). We would also like it noted that Lot 20 completely crosses the existing easement and its positioning is the main cause of for this petition.
2. The council to vest the current Pacific Road (when deposited in DP 483489 on 18/12/2015) into a public road on lot 400 and include the pre-existing carpark located on council land (lot 301) in this vestment.
3. After the road is public the developers would be welcome to re-submit for the subdivision and scheme for ALL FUTURE development in regards to access roads (both public and private), subdivisions, location of the balance of house lots and their boundaries. We request that this application and all future consent applications relating to the development of North and South Te Arai with the developer or any subsequent owner be subject to FULL PUBLIC NOTIFICATION. Notifications to include but not limited to:

Facebook groups: Mangawhai Local Facebook Group, Kaiwaka Community Group, Managawhai Community Page, Buy and Sell Mangawhai, Save Te Arai Beach from development

Facebook Pages: Save Te Arai

Publications: The Kaipara Lifestyler, The Rodney Times, Kaiwaka Bugle, Mahurangi Matters, Mangawhai Memo, Managwhai Focus, NZ Herald, Sunday Star Times

Direct Mail: Notifications be sent to all residents of Rodney and Kaipara districts through postal mail

We also request full applications and notification be submitted to: Te Arai Beach Preservation Society, New Zealand Fairy Tern Trust SAVE Te Arai. If attempts at notification through any of these parties is unsuccessful then SAVE Te Arai must be notified."

Resolution number REG/2017/3

MOVED by Chairperson L Cooper, seconded by IMSB Member L Ngamane:

That the Regulatory Committee:

- a) **receive the petition from Save Te Arai and thank Aaron McConchie for his attendance.**

CARRIED

5 Public Input

5.1 Request for Direct Referral by Ambury Properties Limited - 72 Tidal Road, Mangere -

The item was withdrawn.

6 Local Board Input

Lemauga Sosene, Chair Mangere-Otahuhu Local Board spoke briefly regarding Item C1: Local Alcohol Policy update.

7 Extraordinary Business

There was no extraordinary business.

8 Notices of Motion

There were no notices of motion.

9 Request for Direct Referral by Ambury Properties Limited - 72 Tidal Road, Mangere

This item was withdrawn from the agenda.

10 Request to Appoint Independent Hearing Commissioners for the Northern Interceptor Phase 3-6 Hearing

Resolution number REG/2017/4

MOVED by IMSB Member G Wilcox, seconded by Cr R Hills:

That the Regulatory Committee:

- a) appoint a panel of three independent commissioners, (Leigh McGregor, Mark Farnsworth and Les Simmons) and appoint Leigh McGregor to be the chairperson, to hear submissions and make a recommendation under section 171 of the Resource Management Act on notices of requirement by Watercare Services Limited for the Northern Interceptor Phases 3-6 project;
- b) delegate to the chairperson appointed in (a) the authority to make recommendations on the notices of requirement, should a hearing not be required; and
- c) delegate authority to the chairperson of the Regulatory Committee to make a replacement appointment should any of the independent commissioners in (a) above be unavailable.

CARRIED

11 Appointment of a Commissioner to consider submissions made pursuant to s.24 of the Reserves Act 1977

Resolution number REG/2017/5

MOVED by Chairperson L Cooper, seconded by Cr D Newman:

That the Regulatory Committee:

- a) appoint Gerry Rowan an independent commissioner to consider the submissions received following the notifications of the proposal to revoke the reserve status of land at 49 Nihill Crescent and at 161R Maraetai Drive under s.24 of the Reserves Act 1977, and
- b) direct that the commissioner will provide to the council a recommendation report on the consideration of the submissions in respect of each revocation proposal; and
- c) delegate to the Chairperson of the Regulatory Committee the authority to make replacement appointments should the independent commissioner appointed under a) above be unavailable.

CARRIED

12 Statement of Proposal: Draft Air Quality Bylaw for Indoor Domestic Fires

Resolution number REG/2017/6

MOVED by Chairperson L Cooper, seconded by IMSB Member Ngamane:

That the Regulatory Committee:

- a) agree that its preferred approach for the draft Air Quality Bylaw for Indoor Domestic Fires is to make a bylaw to re-establish the regulations for indoor domestic fires that were in the Auckland Council Regional Plan: Air, Land and Water 2010, and to define the “Auckland Urban Air Quality Area” as follows:

Use the urban zones in the Unitary Plan – use the urban zones set out in Attachment A of the report, including the Unitary Plan and Hauraki Gulf Islands urban zones and those parts of the “Urban Air Quality Management Area” from the Auckland Council Regional Plan: Air, Land and Water 2010 that are located within the Unitary Plan Waitakere Foothills and Waitakere Ranges zones.
- b) recommend that the Governing Body adopt the statement of proposal (Attachment A of the report), which includes the draft Air Quality Bylaw for Indoor Domestic Fires, for public consultation under section 83 of the Local Government Act 2002.

- c) recommend that the Governing Body forward the statement of proposal (Attachment A of the report) to local boards for their views.
- d) appoint a hearing panel comprised of three members of the Regulatory Committee, Cr R Hills and Cr D Quax including one member of the Independent Maori Statutory Board, to hear submissions on the draft Air Quality Bylaw for Indoor Domestic Fires, deliberate and make recommendations to the Governing Body, subject to the Governing Body adopting the statement of proposal as per recommendation (b).
- e) appoint Cr Quax of the hearing panel established under resolution (d) as chairperson of the hearings panel.
- f) delegate authority to the chairperson of the Regulatory Committee to make replacement appointments to the hearings panel in the event that a member of the hearings panel is unavailable.
- g) delegate authority, through the Chief Executive, to the Manager, Social Policy and Bylaws, to make any minor edits or amendments to the statement of proposal, to correct any identified errors or typographical edits or to reflect decisions made by the Regulatory Committee or the Governing Body.

CARRIED

13 Update on regulatory policy and bylaws work programme

Resolution number REG/2017/7

MOVED by Chairperson L Cooper, seconded by IMSB Member G Wilcox:

That the Regulatory Committee:

- a) receive the report on the regulatory policy and bylaws work programme for 2017.

CARRIED

14 Regional Wide Resource Consent Appeals Report at 9 February 2017

Resolution number REG/2017/8

MOVED by IMSB Member G Wilcox, seconded by Cr R Hills:

That the Regulatory Committee:

- a) note the summary of current resource consent appeals.

CARRIED

15 Noting the urgent decisions of 18 January 2017 : Surjit Juneja v Auckland Council - 89 Kinross Street, Blockhouse Bay (ENV-2016-AKL-000280) and Metlifecare Limited v Auckland Council - 65 Hibiscus Coast Highway, Silverdale (ENV-2016-AKL-000282)

Resolution number REG/2017/9

MOVED by Cr R Hills, seconded by Chairperson L Cooper:

That the Regulatory Committee:

- a) note the decision made under urgency, delegating to council staff the authority to progress in the Environment Court the *Surjit Juneja v Auckland Council - ENV-2016-AKL-000280* and *Metlifecare Limited v Auckland Council - ENV-2016-AKL-000282*: resource consents appeals.

16 Consideration of Extraordinary Items

There were no extraordinary items.

17 Procedural motion to exclude the public

Resolution number REG/2017/10

MOVED by Chairperson L Cooper, seconded by Cr D Newman:

That the Regulatory Committee:

- a) **exclude the public from the following part(s) of the proceedings of this meeting.**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Local Alcohol Policy update

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	<p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>In particular, the report contains information that has been prepared for the purposes of litigation, and policy positions that would disadvantage the council if they were to be made public prior to the conclusion of legal proceedings.</p>	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

C2 New Resource Consent Appeal - Kauri Bay Farm Limited v Auckland Council: 777 Clevedon Kawakawa Road, Clevedon

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists

	In particular, the report contains information regarding the strategy for dealing with the appeal.	under section 7.
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**C3 New Resource Consent Appeals: Aotea Station to North Auckland Line Section of the City Rail Link: Qambi Properties limited v Auckland Council
William Dacre McKenzie v Auckland Council**

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). In particular, the report contains information that could compromise the council in undertaking without prejudice negotiations of this appeal that is before the Environment Court.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

C4 New resource consent appeal: Charles Wedd v Auckland Council - 782 Haruru Road, Wainui

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). In particular, the report contains information relating to an Environment Court appeal and the disclosure of information may prejudice the council's position with regard to negotiations and the potential settlement of the appeal.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

The text of these resolutions was made available to the public who were present at the meeting and formed part of the minutes of the meeting.

CARRIED

10.48am The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

11.33 am The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Local Alcohol Policy update

Resolution number REG/2017/11

MOVED by Cr D Quax, seconded by IMSB Member G Wilcox:

That the Regulatory Committee:

- c) agree that the decision and report not be restated in the open minutes.

C2 New Resource Consent Appeal - Kauri Bay Farm Limited v Auckland Council: 777 Clevedon Kawakawa Road, Clevedon

Resolution number REG/2017/12

MOVED by Cr D Newman, seconded by Cr R Hills:

That the Regulatory Committee:

- c) agree that the report and the resolutions remain confidential.

C3 New Resource Consent Appeals: Aotea Station to North Auckland Line Section of the City Rail Link: Qambi Properties limited v Auckland Council William Dacre McKenzie v Auckland Council

Resolution number REG/2017/13

MOVED by Cr D Newman, seconded by IMSB Member D Taipari:

That the Regulatory Committee:

- b) agree that the report, attachments and the resolutions not be restated in the open section of the minutes.

C4 New resource consent appeal: Charles Wedd v Auckland Council - 782 Haruru Road, Wainui

Resolution number REG/2017/14

MOVED by Cr D Newman, seconded by Cr R Hills:

That the Regulatory Committee:

- b) agree that the report and the resolution not be restated in the open section of the minutes.

11.34 am

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE REGULATORY
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....