
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, 14 September 2017 at 9.31am.

PRESENT

Deputy Chairperson Members

Cr Wayne Walker (presiding)
Cr Fa'anana Efeso Collins
Cr Richard Hills
Cr Daniel Newman, JP
Cr Sharon Stewart, QSM
Cr John Watson

From 9.38am, Item 5

Ex-officio

IMSB Chair David Taipari
IMSB Member Glenn Wilcox
Deputy Mayor Bill Cashmore

From 9.35am, Item 5

ABSENT

Chairperson Linda Cooper, JP
Mayor Phil Goff, CNZM, JP
Cr Dick Quax

ALSO PRESENT

Cr Cathy Casey
Cr Greg Sayers

Until 11.41, Item 20
From 10.27am, Item 10
Until 11.21am, Item 10

Lemauga Lydia Sosene, Chair, Māngere-
Ōtāhuhu Local Board
Walter Togiamua, Deputy Chair, Māngere-
Ōtāhuhu Local Board

1 Apologies

Resolution number REG/2017/78

MOVED by Deputy Chairperson W Walker, seconded by Cr E Collins:

That the Regulatory Committee:

- a) **accept the apologies from Chairperson L Cooper and Cr Quax for absence, Member Taipari for lateness, and Mayor P Goff for absence on council business.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number REG/2017/79

MOVED by Deputy Chairperson W Walker, seconded by IMSB Member G Wilcox:

That the Regulatory Committee:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 10 August 2017, including the confidential section, as a true and correct record.**

CARRIED

4 Petitions

There were no petitions.

5 Public Input

5.1 Public Input - Ambury Properties Limited - 72 Tidal Road direct referral request

Deputy Mayor B Cashmore entered the meeting at 9.35 am.

IMSB Chair D Taipari entered the meeting at 9.38 am.

Representatives from Ambury Properties Limited spoke and tabled documents in support of their application for a direct referral. A copy has been placed on the official minutes and is available on the Auckland Council website as minutes attachments.

Resolution number REG/2017/80

MOVED by Deputy Chairperson W Walker, seconded by Cr S Stewart:

That the Regulatory Committee:

- a) **receive the presentation.**

CARRIED

Attachments

- A 14 September 2017 Regulatory Committee - Item 5.1 - Public Input - Ambury Properties Limited - 72 Tidal Road direct referral request - tabled legal submission
- B 14 September 2017 Regulatory Committee - Item 5.1 - Public Input - Ambury Properties Limited 72 Tidal Road direct referral request - site plan

5.2 Public Input - East Coast Bays RSA - gaming machine relocation

The public input request had been withdrawn.

6 Local Board Input

6.1 Puketāpapa Local Board Input - Local Alcohol Policy Update Memo 14 August 2017

Harry Doig, Chair, Puketāpapa Local Board was unable to attend, but wished to table the local board feedback on this matter.

Resolution number REG/2017/81

MOVED by Deputy Chairperson W Walker, seconded by Cr E Collins:

That the Regulatory Committee:

a) **receive the feedback from the Puketāpapa Local Board noting that:**

- the Puketāpapa Local Board has a long history of representing the community's concern about the impact of alcohol on families and their communities in our area.
- the Board would strongly advocate for the retention of all the elements challenged by the ARLA in the Council's Local Alcohol Plan.
- of particular concern is the proposal by ARLA that the Council reconsider the requirements restricting single sales (Clause 4.5.1(c)) and the afternoon opening hours reducing visibility to school age children and young people (Clause 4.5.1(d)).
- our concerns here are particularly around alcohol harm in relation to our youth and school age children. 20% of our 15 to 24 year age group are not in education or employment. Increased availability through low cost of individual RTDs and opening hours around school closure leads to detrimental alcohol impacts. Both of these restrictions are seen as important to discourage the normalisation of alcohol use in our community.

CARRIED

6.2 Māngere-Ōtāhuhu Local Board Input - Local Alcohol Policy

Lemauga Lydia Sosene, Chair and Togatolu Walter Togramua, Deputy Chair Māngere-Ōtāhuhu Local Board spoke in support of their feedback on the local alcohol policy.

Resolution number REG/2017/82

MOVED by Deputy Chairperson W Walker, seconded by Cr E Collins:

That the Regulatory Committee:

- a) **thank Lemauga Lydia Sosene, Chair and Togatolu Walter Togramua, Deputy Chair, Māngere-Ōtāhuhu Local Board, for their presentation and attendance.**

CARRIED

7 Extraordinary Business

There was no extraordinary business.

8 Notices of Motion

Under Standing Order 2.5.1, the Notice of Motion received from Cr Watson for consideration under item 9 - Notice of Motion - Cr Watson - East Coast Bays RSA Relocation of Gambling Machines Exemption had been withdrawn.

9 Notice of Motion - Cr Watson - East Coast Bays RSA Relocation of Gambling Machines Exemption

The notice of motion had been withdrawn.

The meeting adjourned at 10.00am and reconvened at 10.05am.

10 Determination of an Objection to the construction of the Wastewater Pipeline at 3A Alma Crescent to service 54 Clevedon Rd, Papakura.

Mr Mike William and Mr Royden Tsui, on behalf of Mr Neyyathuruthi Pillai addressed the committee in support of the proposal.

Mr Bryce Town of Morrison Kent, representing the objectors, addressed the committee in support of their objection to the proposal and tabled legal submissions.

Staff were also in attendance in support of the report.

After hearing the objector's view on the proposal, the chair thanked both parties for their attendance and presentation.

The Committee's deliberation was held in confidential and its decision is recorded under item C1 – Restatements of these minutes.

Attachments

- A 14 September 2017 Regulatory Committee - Item 10 - Determination of an Objection to the construction of the Wastewater Pipeline at 3A Alma Crescent to service 54 Clevedon Rd, Papakura - Objector legal submissions

The meeting adjourned at 11.21am and reconvened at 11.27am.

Member Taipari was not present.

IMSB Member D Taipari returned to the meeting at 11.37 am.

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

Resolution number REG/2017/83

MOVED by IMSB Member G Wilcox, seconded by Cr E Collins:

That the Regulatory Committee:

- a) **decline the request by Ambury Properties Limited for direct referral of the applications to the Environment Court pursuant to section 87E of the Resource Management Act 1991 for the following reasons:**
- i) **the resource consent applications are predominantly a local issue, with a total of 12 submissions predominantly from submitters in the local Mangere area;**
 - ii) **those submitters will be able to participate in a decision-making process at a Council hearing on this local project and with a Manukau venue for the hearing;**
 - iii) **submitters include lay people, who will likely be unfamiliar with the Environment Court process, and will be required to become section 274 parties to participate in this more formal process, including possible cross-examination;**
 - iv) **the determination of the application is dependent upon a mix of both technical expert evidence and non-technical evaluative assessment that is suitably heard at first instance at Council level;**
 - v) **there is insufficient indication of certainty that a Council decision being appealed to the Environment Court, either by the applicant or any submitters given the nature of feedback received through pre-lodgement public consultation process and given the matters raised in the 12 submissions received; and**
 - vi) **if the decision made by the Council is appealed, the Council hearing process would have led to a refinement of the issues to then allow for a more focused and efficient Environment Court process such as mediation and caucusing that may avoid the need for hearing.**

CARRIED

Note: Items 12 - Regulatory Compliance Prioritisation and 13 - Public Safety and Nuisance Bylaw Review 2017 were deferred until later on the meeting.

Note: The Chairperson accorded precedence to item 14 - Resource Consent Appeals: Status Report 14 September 2017 to item 20 - Procedural motion to exclude the public, at this time.

14 Resource Consent Appeals: Status Report 14 September 2017

Resolution number REG/2017/84

MOVED by Deputy Chairperson W Walker, seconded by Cr E Collins:

That the Regulatory Committee:

- a) **receive the Resource Consents Appeals: Status Report 14 September 2017.**

CARRIED

15 Release of Regulatory Committee Confidential Decision 15 June - Appointment of independent hearing commissioners

Resolution number REG/2017/85

MOVED by Deputy Chairperson W Walker, seconded by Deputy Mayor B Cashmore:

That the Regulatory Committee:

- a) **note the release the decision of the Hearings Committee of 15 June 2017 regarding the appointment of independent hearings commissioners 2017-2020.**

CARRIED

16 Release of Regulatory Committee Confidential Decision 15 June -Appointment of District Licensing Committee chairs and members 2017-2020

Resolution number REG/2017/86

MOVED by Deputy Chairperson W Walker, seconded by Cr E Collins:

That the Regulatory Committee:

- a) **note the release of the decision of the Regulatory Committee of 15 June 2017 regarding the appointment of the District Licensing Committee chairs and members 2017-2020.**

CARRIED

17 Release of Regulatory Committee Confidential Decision 15 June -Designation of independent commissioners as duty commissioners to determine resource consent applications

Resolution number REG/2017/87

MOVED by Deputy Chairperson W Walker, seconded by IMSB Member D Taipari:

That the Regulatory Committee:

- a) **note the release of the decision of the Hearings Committee of 15 June 2017 regarding the designation of independent commissioners as duty commissioners to determine resource consent applications.**

CARRIED

18 Regulatory Committee Summary of Information Items - 14 September 2017

Resolution number REG/2017/88

MOVED by Cr E Collins, seconded by Cr R Hills:

That the Regulatory Committee:

- a) **receive the information report.**

CARRIED

19 Consideration of Extraordinary Items

There were no extraordinary items.

20 Procedural motion to exclude the public

Resolution number REG/2017/89

MOVED by Deputy Chairperson W Walker, seconded by Cr E Collins:

That the Regulatory Committee:

- a) exclude the public from the following part(s) of the proceedings of this meeting.
- b) agree that Lemauga Lydia Sosene, chair, and Togatolu Walter Togiamua, deputy chair Māngere-Ōtāhuhu local board be permitted to remain for Confidential Item C1 Decision on outcome of appeals and next steps for the Provisional Auckland Council Local Alcohol Policy after the public has been excluded, as observers only.

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 Decision on outcome of appeals and next steps for the Provisional Auckland Council Local Alcohol Policy

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)(g) - The withholding of the information is necessary to maintain legal professional privilege. In particular, the report contains information that has been prepared for the purposes of potential litigation along with legal advice on options and policy positions that would disadvantage the council if they were made public prior to decisions being made and the conclusion of all court proceedings.	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 Deliberations on an objection to the construction of a wastewater pipeline at 3A Alma Crescent to service 54 Clevedon Road

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 objection pursuant to section 460 of the Local Government Act.	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 form part of the minutes of the meeting.

CARRIED

11.41am 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.

1.05pm The public was re-admitted.

12 Regulatory Compliance Prioritisation

This item was deferred until the next meeting of the Regulatory Committee scheduled to be held on Thursday 12 October 2017 at 9.30am.

13 Public Safety and Nuisance Bylaw Review 2017

This item was deferred until the next meeting of the Regulatory Committee scheduled to be held on Thursday 12 October 2017 at 9.30am.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Decision on outcome of appeals and next steps for the Provisional Auckland Council Local Alcohol Policy

Resolution number REG/2017/90

MOVED by IMSB Member G Wilcox, seconded by Deputy Mayor B Cashmore:

That the Regulatory Committee:

- j) agree that the decisions, report and attachments regarding 'Decision on outcome of appeals and next steps for the Provisional Auckland Council Local Alcohol Policy', not be re-stated in the open section of the minutes.

C2 Deliberations on an objection to the construction of a wastewater pipeline at 3A Alma Crescent to service 54 Clevedon Road

Resolution number REG/2017/91

MOVED by Deputy Mayor B Cashmore, seconded by Cr R Hills:

That the Regulatory Committee:

- a) hear and determine the objection by the owners of 3A Alma Crescent, Papakura pursuant to section 460 of the Local Government Act 1974, and
- b) endorse the proposed construction of the wastewater pipeline and connection through the neighbouring land at 3A Alma Crescent, Papakura as the only practical route, pursuant to section 460 of the Local Government Act 1974 and as referenced on plans Resource Consent No. R/SUB/2010/108635 and Plans A14221/1 Dwg 1 rev. 4 & Dwg 2 rev. 3, engineering approved 28 / 01/ 2016.

Restatement

- c) agree that the decision under clauses a) and b) be restated in the open section of the minutes.

1.06 pm

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:.....