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## Regulatory Committee

### OPEN MINUTES

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Minutes of a meeting of the Regulatory Committee held in the Room 1, Level 26, 135 Albert St, Auckland on Thursday, 12 October 2017 at 9.30am.

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#### PRESENT

<b>Chairperson</b>	Cr Linda Cooper, JP	
<b>Deputy Chairperson</b>	Cr Wayne Walker	From 9.33am, Item 9
<b>Members</b>	Deputy Mayor Bill Cashmore	From 9.33am, Item 9
	Cr Fa'anana Efeso Collins	
	Cr Richard Hills	
	Cr Sharon Stewart, QSM	
	IMSB Chair David Taipari	
	Cr John Watson	From 9.34am, Item 9
	IMSB Member Glenn Wilcox	

#### ABSENT

Mayor Hon Phil Goff, CNZM, JP  
Cr Daniel Newman, JP  
Cr D Quax

#### ALSO PRESENT

Cr C Casey

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**1 Apologies**

Resolution number REG/2017/91

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

That the Regulatory Committee:

- a) **accept the apologies from Cr D Newman and D Quax for absence 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/2017/92

MOVED by IMSB Member D Taipari, seconded by Cr S Stewart:

**That the Regulatory Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 14 September 2017, including the confidential section, as a true and correct record.**

**CARRIED**

**4 Petitions**

There were no petitions.

**5 Public Input**

There was no public input.

**6 Local Board Input**

There was no local board input.

**7 Extraordinary Business**

There was no extraordinary business.

**8 Notices of Motion**

There were no notices of motion.

**9 Determination of an Objection to the Construction of a Private Stormwater line through 25A Martin Crescent and 92A Ocean View Road Northcote to service 88 Ocean View Road Northcote.**

The hearing commenced at 9.31am in relation to the objection by the owner of 25A Martin Crescent, Northcote, pursuant to section 460 of the Local Government Act 1974.

*Deputy Mayor B Cashmore arrived the meeting at 9.33 am.*

*Deputy Chairperson W Walker arrived at the meeting at 9.33 am.*

*Cr J Watson arrived at the meeting at 9.34 am.*

Mr Dave Anderson (Chris W Howell & Associates) representing the applicant Mr Heng Ing addressed the committee in support of the proposal. He tabled documents in support of his address. A copy has been placed on the official minutes and is available on the Auckland Council website as minutes attachments.

The affected owner of 25A Martin Crescent Mr Gordon Chan, declined to appear for the hearing.

Staff were also in attendance and addressed the committee in support of the report.

After hearing the applicant's view regarding the proposal, the chair thanked Mr Anderson, Mr Ing and staff for their attendance and presentations.

The hearing concluded at 9.55am.

The Committee's deliberation was held in confidential and its decision is recorded under Restatement, Item C1 – Deliberations on an objection to the construction of a private stormwater line through 25A Martin Crescent and 92A Ocean View Road Northcote to service 88 Ocean View Road Northcote.

**Attachments**

- A 12 October 2017, Regulatory Committee - Item 9 - Determination of an Objection to the Construction of a Private Stormwater line through 25A Martin Crescent and 92A Ocean View Road Northcote to service 88 Ocean View Road Northcote

**10 Regulatory Compliance Prioritisation**

*Deputy Chairperson W Walker left the meeting at 10.18 am.*

*Deputy Chairperson W Walker returned to the meeting at 10.29 am.*

*Cr E Collins left the meeting at 10.39 am.*

Resolution number REG/2017/93

MOVED by IMSB Member D Taipari, seconded by Chairperson L Cooper:

**That the Regulatory Committee:**

- a) **endorse the shift to a strengthened compliance approach that:**
  - i) **takes an evidence led approach to regulation**
  - ii) **allocates resources to addressing breaches that cause high harm**
  - iii) **ensures interventions are proportionate to the risk at stake, paying close attention to the effectiveness of our efforts in reducing harm**
  - iv) **sets service levels according to risk and harm.**
- b) **circulate the report to all elected members with an accompanying memo that describes the process for elected members to lodge complaints**
- c) **request that all elected members' request for service regarding compliant issues be lodged in the Customer Relationship Management (CRM) system to assist council in its data gathering and research.**

**CARRIED**

The meeting adjourned at 10.43am and reconvened at 10.47am.

Cr E Collins, Cr W Walker and IMSB Chair D Taipari were not present.

## 11 Public Safety and Nuisance Bylaw Review 2017

A powerpoint presentation was provided in support of the report. A copy has been placed on the official minutes and is available on the Auckland Council website as minutes attachments.

*Cr E Collins returned to the meeting at 10.51 am.*

*Deputy Chairperson W Walker returned to the meeting at 10.53 am.*

*IMSB Chair D Taipari returned to the meeting at 10.54 am.*

Resolution number REG/2017/94

MOVED by IMSB Member D Taipari, seconded by Chairperson L Cooper:

**That the Regulatory Committee:**

- a) **agree that item be deferred to a workshop/s and report back at the appropriate time.**

**CARRIED**

### **Attachments**

- A 12 October 2017, Regulatory Committee Item 11 - Public Safety and Nuisance Bylaw Review 2017 - presentation

## 12 Request to Appoint Independent Hearing Commissioners for Plan Changes 1, 2 and 4 to the Auckland Unitary Plan (Operative in Part)

Resolution number REG/2017/95

MOVED by Cr E Collins, seconded by IMSB Member D Taipari:

**That the Regulatory Committee:**

- a) **appoint independent commissioners Philip Brown (chair) and Mark Farnsworth, at least one of which as an understanding of tikanga Māori, to hear submissions and make a decision on Plan Changes 1 and 2 to the Auckland Unitary Plan (Operative in Part)**
- b) **appoint independent commissioners David Mead (chair), Julie Bevan and Basil Morrison, at least one of which has an understanding of tikanga Māori, to hear submissions and make a decision on Plan Change 4 to the Auckland Unitary Plan (Operative in Part)**
- c) **delegate authority to the chairperson of the Regulatory Committee to make replacement appointments to the hearing panels in resolutions a) and b) in the event that a member of the hearings panel is unavailable.**

**CARRIED**

**13 Resource Consent Appeals: Status Report 12 October 2017**

Resolution number REG/2017/96

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

**That the Regulatory Committee:**

- a) receive the Resource Consents Appeals: Status Report 12 October 2017.

**CARRIED**

**14 Regulatory Committee Summary of Information Items - 12 October 2017**

Resolution number REG/2017/97

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

**That the Regulatory Committee:**

- a) receive the information report.

**CARRIED**

**15 Consideration of Extraordinary Items**

There were no extraordinary items.

**16 Procedural motion to exclude the public**

Resolution number REG/2017/98

MOVED by Chairperson L Cooper, seconded by Deputy Chairperson W Walker:

**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 Deliberations on an objection to the construction of a private stormwater line through 25A Martin Crescent and 92A Ocean View Road Northcote to service 88 Ocean View Road Northcote.**

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 formed part of the minutes of the meeting.

**CARRIED**

11.47am 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.

12.04pm The public was re-admitted.

**RESTATEMENTS**

It was resolved while the public was excluded:

**C1 Deliberations on an objection to the construction of a private stormwater line through 25A Martin Crescent and 92A Ocean View Road Northcote to service 88 Ocean View Road Northcote**

Resolution number REG/2017/99

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

That the Regulatory Committee:

- a) hear and determine the objection by the owner of 25A Martin Crescent, Northcote pursuant to section 460 of the Local Government Act 1974; and
- b) resolve under section 460(1) of the Local Government Act 1974 that the proposed stormwater line through 25A Martin Crescent and 92 Ocean View Road Northcote, is the only practical route as shown on the Chris Howell & Associates drawing 15009 sheet C02 revision B, dated 8 July 2014 and the Council's Engineering Approval ENG60060435 by letter of 16 August 2017 and for the reasons given in the report.

**Restatement**

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

12.05 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:**.....