
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 November 2017 at 9.30am.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Wayne Walker	
Members	Cr Fa'anana Efeso Collins	From 10.00am, item 5.1
	Cr Daniel Newman, JP	From 9.36am, item 5.1
	Cr Dick Quax	
	Cr John Watson	
	IMSB Member Glenn Wilcox	

ABSENT

Ex-officio	Deputy Mayor Bill Cashmore
Ex-officio	Mayor Phil Goff
	Cr Richard Hills
	Cr Sharon Stewart
	IMSB Chair David Taipari

ALSO PRESENT

Cr Cathy Casey

IN ATTENDANCE

Lemauga Lydia Sosene, Chair, Māngere-Ōtāhuhu Local Board

1 Apologies

Resolution number REG/2017/100

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

That the Regulatory Committee:

- a) **accept the apologies from E Collins for lateness, Mayor P Goff, Deputy Mayor B Cashmore and Cr R Hills for absence on council business, and Cr S Stewart and IMSB Chair D Taipari for absence.**

CARRIED

2 Declaration of Interest

Cr Cooper declared an interest in item 10: Application by the East Coast Bays RSA Incorporated.

IMSB Member Wilcox declared an interest in item 5.1: Public input Smokefree Bylaw – Hapai presentation.

3 Confirmation of Minutes

Resolution number REG/2017/101

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

That the Regulatory Committee:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 12 October 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: Smokefree Bylaw

Various speakers presented powerpoint presentations in support of a smokefree bylaw. Copies of presentations and a tabled submission have been placed on the official copy of the minutes and are available on the Auckland Council website as minutes attachments.

IMSB Member Wilcox declared an interest in this item (Hapai presentation) and did not participate in the discussion during the Hapai presentation.

Cr D Newman entered the meeting at 9.36am.

Cr E Collins entered the meeting at 10.00 am.

Resolution number REG/2017/102

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

That the Regulatory Committee:

- a) **receive and note the public input presentations from Cherry Morgan, John Loof and Christina Markean on behalf of the Cancer Society Auckland Division, Hayley Pritchard, Alison Hunt and David Sinclair on behalf of the Auckland Regional Public Health Service, George Thomson, University of Otago, Lineti Latu and Felicia Mesui on behalf of Hapai and the tabled submission from Nadine Melhopt on behalf of Hospitality New Zealand regarding a Smokefree bylaw.**

CARRIED

Attachments

- A 9 November 2017 Regulatory Committee Item 5.1 - Public Input: Smokefree Bylaw: Cancer Society presentation
- B 9 November 2017 Regulatory Committee Item 5.1 - Public Input: Smokefree Bylaw: Auckland Regional Public Health Service presentation
- C 9 November 2017 Regulatory Committee Item 5.1 - Public Input: Smokefree Bylaw: George Thomson's presentation
- D 9 November 2017 Regulatory Committee Item 5.1 - Public Input: Smokefree Bylaw: Nadine Melhopt Hospitality NZ tabled submission

5.2 Public Input: East Coast Bays RSA - gaming machines relocation

Scott Evans, Manager and Kerry Kay, President of the East Coast Bays RSA addressed the committee in support of their application for council consent to operate nine gambling machines at the Browns Bay Bowling Club, situated at 784 Beach Road, Browns Bay.

Resolution number REG/2017/103

MOVED by Cr J Watson, seconded by Deputy Chairperson W Walker:

That the Regulatory Committee:

- a) **receive and note the public input presentation from the East Coast Bays RSA, Scott Evans and Kerry Kay regarding their application for gaming machines relocation.**

CARRIED

6 Local Board Input

6.2 Local Board Input: Boarding House

Lemauga Lydia Sosene, Chair, Māngere-Ōtāhuhu Local Board provided a powerpoint presentation regarding boarding house inspections in South Auckland. A copy has been placed on the official minutes and is available on the Auckland Council website as minutes attachments.

Resolution number REG/2017/104

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

That the Regulatory Committee:

- a) **receive and note the public input presentation from Māngere-Ōtāhuhu Local Board Chair Lemauga Lydia Sosene regarding boarding house inspections in South Auckland.**

CARRIED

Attachments

- A 9 November 2017 Regulatory Committee Item 6.1: Local Board Input : Chair's presentation

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 Wastewater line through 85, 85A & 89 Fairview Avenue, Fairview Heights to service 91 Fairview Avenue, Fairview Heights.

The hearing commenced at 10.50am in relation to the objection by the owners of 85, 85A and 89 Fairview Avenue, Fairview Heights, pursuant to section 460 of the Local Government Act 1974.

Mr Mark Hatten (Thurlow Consulting Engineers and Surveyors Ltd.) representing the applicant Mr Ali Lokhandwala addressed the committee in support of the proposal. He tabled documents in support of his address.

The affected owner of 85 Fairview Avenue, Fairview Heights, Ms Tracey Jiang, was unable to attend the hearing but requested that her submission be tabled for the committee's consideration.

Copies of tabled documents have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

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 Hatten, Mr Lokhandwala and staff for their attendance and presentations.

The hearing concluded at 11.20am.

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 wastewater line through 85, 85A & 89 Fairview Avenue, Fairview Heights to service 91 Fairview Avenue, Fairview Heights.

Attachments

- A 9 November 2017 Regulatory Committee Item 9 Determination of an Objection to the Construction of a Private Wastewater line through 85, 85A & 89 Fairview Avenue, Fairview Heights to service 91 Fairview Avenue, Fairview Heights - tabled by applicant
- B 9 November 2017 Regulatory Committee Item 9: Determination of an Objection to the Construction of a Private Wastewater line through 85, 85A & 89 Fairview Avenue, Fairview Heights to service 91 Fairview Avenue, Fairview Heights - tabled submission

The Chairperson accorded precedence to item 21 – Procedural motion to exclude the public, at this time.

21 Procedural motion to exclude the public

Resolution number REG/2017/105

MOVED by Deputy Chairperson W Walker, 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 Deliberations on an objection to the construction of a private wastewater line through 85, 85A and 89 Fairview Avenue to service 91 Fairview Avenue, Fairview Heights

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 deliberations of the decision 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

11.22am The public was excluded

11.30am The public was readmitted

RESTATEMENTS

It was resolved while the public was excluded:

C1 Deliberations on an objection to the construction of a private wastewater line through 85, 85A and 89 Fairview Avenue to service 91 Fairview Avenue, Fairview Heights

Resolution number REG/2017/106

MOVED by Deputy Chairperson W Walker, seconded by Cr D Newman:

That the Regulatory Committee:

- a) following a hearing of the objections by the owners of 85 and 85A Fairview Avenue, Fairview Heights, resolve under section 460(1) of the Local Government Act 1974 that the proposed wastewater connection across 85, 85A and 89 Fairview Avenue to service 91 Fairview Avenue, Fairview Heights, is the only practical route as shown on

Thurlow Consulting Engineers drawings no. 15287 sheets DA-02 revision 01 and DL-02 revision 00 and for the reasons given in the report.

Restatement

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

CARRIED

The meeting adjourned at 11.31am and reconvened at 11.35am

10 Application by the East Coast Bays RSA Incorporated

Cr L Cooper declared an interest in this item and vacated the chair.

Chairperson L Cooper left the meeting at 11.35 am.

The Deputy Chairperson assumed the chair.

Resolution number REG/2017/107

MOVED by Cr J Watson, seconded by Member W Walker:

That the Regulatory Committee:

- a) **grant an exception to the Class 4 Gambling (Pokie) Venue Policy permitting the East Coast Bays RSA Inc to establish a new class 4 gambling venue at 784 Beach Road East Coast Bays**
- b) **note that this decision is inconsistent with rule 1 of the Auckland Council Class 4 Gambling (Pokie) Venue Policy in that it grants consent for the relocation of an existing class 4 gambling venue to a premises that has not held a class 4 venue licence in the last 6 months**
- c) **identify that the reasons for its decision to grant an exemption are:**
- **fire damaged the former premises of the East Coast Bays RSA and caused a very significant decrease of the club's membership, resulting in the sale of the rebuilt RSA building**
 - **the reduction of class 4 (pokie) gaming machines from 16 to 9 machines**
 - **that the relocation will result in shared club membership between RSA and Bowling Club**
 - **the new venue is not close to a school or early childhood centre and the RSA's original location is within 300m of the Browns Bay Bowling Club site**
 - **the previous management of the RSA gambling machines indicates that there is low risk**
 - **as identified in the June 2017 report to the Regulatory Committee, this local board area has seen one of the largest reductions of class 4 (pokie) gambling machines and has one of the lowest percentages of gambling clients per capita**
- d) **note that it does not intend to review the Class 4 Gambling (Pokie) Venue Policy.**

A division was called for, voting on which was as follows:

For

Cr D Quax
Deputy Chairperson W Walker
Cr J Watson

Against

Cr E Collins
Cr D Newman
IMSB Member G Wilcox

Abstained

The motion was declared EQUAL.

The deputy chair exercised his casting vote for, so the motion was CARRIED.

CARRIED

Chairperson L Cooper returned to the meeting at 12.44 pm.

11 Investigation of a bylaw to complement the Auckland Council Smokefree Policy

Resolution number REG/2017/108

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

That the Regulatory Committee:

- a) **agree to maintain the status quo and decline to proceed with the development of a smokefree bylaw to complement the council's Smokefree Policy.**

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Chairperson L Cooper	Cr E Collins	
Cr D Newman	Cr J Watson	
Cr D Quax	Cr W Walker	
IMSB Member G Wilcox		

The motion was declared CARRIED by 4 votes to 3..

CARRIED

12 Animal Management 2017 Annual Report

Resolution number REG/2017/109

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

That the Regulatory Committee:

- a) **adopt the 2016/17 Animal Management Annual Reports**
- b) **congratulate staff on the very good results that have been achieved and acknowledge the sometimes very difficult circumstances they work within, noting the 100% rehoming of adoptable dogs numbering 545 in the 2016/2017 financial year**
- c) **note that the Animal Management Annual Report is required under Section 10A of the Dog Control Act 1996 and staff will provide a copy of the report to the Secretary of Local Government.**

CARRIED

13 Update on the proactive boarding house inspections in South Auckland

This item was deferred until the next meeting of the Regulatory Committee scheduled to be held on Thursday, 8 February 2018 at 9.30am.

14 Request to Appoint Hearing Commissioners for Plan Change 5 (Whenuapai) to the Auckland Unitary Plan (Operative in Part)

Resolution number REG/2017/110

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

That the Regulatory Committee:

- a) **appoint an independent commissioner as chair and three other commissioners, one with expertise in planning and one with an understanding of tikanga Māori, to hear submissions and make a decision on Proposed Plan Change 5 to the Auckland Unitary Plan (Operative in Part);**
 - Janine Bell (chair)
 - Juliane Chetham
 - Gavin Lister
 - Cr Chris Darby
- b) **delegate authority to the chairperson of the Regulatory Committee to make replacement appointments to the hearing panel in the event that a member of the hearings panel is unavailable.**

CARRIED

15 Request to Appoint Hearing Commissioners for Plan Change 3 (Stockade Hill Viewshaft) to the Auckland Unitary Plan (Operative in Part)

Resolution number REG/2017/111

MOVED by Deputy Chairperson W Walker, seconded by Cr D Quax:

That the Regulatory Committee:

- a) **appoint an independent commissioner as chair and two commissioners, with expertise in landscape and planning matters, to hear submissions and make a decision on Proposed Plan Change 3 to the Auckland Unitary Plan (Operative in Part);**
 - Robert Scott (chair)
 - Bridget Gilbert
 - Angela Dalton, Chair, Manurewa Local Board
- b) **delegate authority to the chairperson of the Regulatory Committee to make replacement appointments to the hearing panel in resolution a) in the event that a member of the hearings panel is unavailable.**

CARRIED

16 Request to Appoint Hearing Commissioners for Private Plan Change 6 (Auranga B1) to the Auckland Unitary Plan (Operative in Part)

Resolution number REG/2017/112

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

That the Regulatory Committee:

- a) **appoint an independent commissioner as chair, and three additional commissioners, with at least one with expertise in planning, and one with an understanding of tikanga Māori, to hear submissions and make a decision on Private Plan Change 6 to the Auckland Unitary Plan (Operative in Part);**

- Justine Bray (chair)
 - Mark Farnsworth
 - Shona Myers
 - Cr Linda Cooper
- b) delegate authority to the chairperson of the Regulatory Committee to make replacement appointments to the hearings panels in the event that a member of the hearings panel is unavailable and/or make additional appointments as appropriate.

CARRIED

17 Resource Consent Appeals: Status Report 9 November 2017

This item was deferred until the next meeting of the Regulatory Committee scheduled to be held on Thursday 8 February 2018 at 9.30am.

18 Resource Consents: Quarterly Hearings Report November 2017

This item was deferred until the next meeting of the Regulatory Committee scheduled to be held on Thursday 8 February 2018 at 9.30am.

19 Regulatory Committee Summary of Information Items - 9 November 2017

Resolution number REG/2017/113

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

That the Regulatory Committee:

- a) receive the information report.

CARRIED

20 Consideration of Extraordinary Items

There were no extraordinary items.

Note: Item 21 - Procedural Motion to Exclude the Public was considered prior to Item 10 - Application by the East Coast Bays RSA Incorporated.

1.50pm

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:.....