

Komiti Whakahaere ā-Ture / Regulatory Committee

OPEN MINUTES

Minutes of an extraordinary meeting of the Regulatory Committee held in the Room 1, Level 26, 135 Albert St, Auckland on Friday, 16 November 2018 at 9:33am.

PRESENT

**Chairperson
Members**

Cr Linda Cooper, JP
Cr Daniel Newman, JP
Cr Sharon Stewart, QSM
Cr John Watson
IMSB Member Glenn Wilcox
IMSB Member Tau Henare

ABSENT

Deputy Chairperson Bill Cashmore
Cr Efeso Collins
Cr Josephine Bartley
Mayor Phil Goff
Cr Richard Hills
IMSB Chair David Taipari
Cr Wayne Walker

1 Apologies

That the Regulatory Committee:

- a) noted the apologies from IMSB Chair D Taipari, Cr E Collins and Cr J Bartley for absence and Deputy Chairperson BC Cashmore, Mayor P Goff, Cr R Hills and Cr W Walker for absence on council business.

2 Declaration of Interest

There were no declarations of interest.

3 Petitions

There were no petitions.

4 Public Input

There was no public input.

5 Local Board Input

There was no local board input.

6 Extraordinary Business

There was no extraordinary business.

7 Objections to St Marys Bay and Masefield Beach improvement project

A Powerpoint presentation was given. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Objectors tabled documents in support of their objections. Copies of these documents have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

The hearing commenced at 9.33am in relation to the objections to the St Marys Bay and Masefield Beach improvement project.

9.45am Auckland Council's Healthy Waters team provide a powerpoint presentation outlining the project and responded to questions from the panel.

Auckland Council's Healthy Waters team:

- Craig Mcilroy, General Manager Healthy Waters
- Caroline Crosby, Consultant Healthy Waters
- Gerald Lanning, Simpson Grierson, Legal Counsel

Listed below are objectors who spoke in support of their objection.

- 10.22am Shannon Darroch, Jeremy Brabant Barrister, provided a Legal submission, document 1, on behalf of Darrin Johannink and Anjala Natali and responded to questions from the panel. Their objection is on page 58 of the agenda.
- 10.40am Susan Young spoke to her objection, page 43 of the agenda, tabled document 2 in support of her objection and responded to questions from the panel.
- 11.04am Ann Hackett spoke to the objection from Anne and Trevor Hackett, page 51 of the agenda, tabled document 3 in support of their objection.
- 11.10am Marc McKenzie spoke to the objection from Julia Winterbottom, page 54 of the agenda, and responded to questions from the panel.
- 11.25am Frank Henry spoke on behalf of Jeanette Henry and to her objection, page 71 of the agenda, tabled document 5 in support of Jeanette's objection and responded to questions from the panel.
- 11.32am Brian Putt spoke to his objection, page 76 of the agenda, and responded to questions from the panel.
- 11.47am Tony Skelton spoke on behalf of Russ and Lynda Bowler objection, page 61 of the agenda, and responded to questions from the panel.
- 11.56am Council's Healthy Waters team responded to concerns raised by the objectors about budget, water quality, monitoring, geotech, liability and accusations of bullying.

- budget of \$44 million is the risk budget based on delivery of the whole project, \$30 million is construction delivery budget
- Discharge into the Waitemata –the project will reduce wastewater contamination into the Waitemata. Watercare network discharge consent that authorises the discharges after the project is completed
- water quality – Safeswim is about good micro biological standards and improving local water quality to allow safer use of the water (not just swimming, but sailing, kayaking, and Waka Ama).
- The project will make a significant improvement to safe swim ratings for this beach
- the consultation and engagement undertaken has been lengthy and extensive, including full public notification of the resource consent application
- objectors were advised that the RMA process and LGA process would run parallel and were provided information specific to both processes
- do not feel the team have bullied objectors, have been in regular contact providing regular updates, advised they have met with many people had several meetings with these specific objectors, answered numerous queries and helped them make submissions under both processes
- it's not uncommon for the resource consent processes to run along side other processes
- if appeals are made to the Environment Court and the court dismisses the appeals, the project will proceed and if appeals are upheld the project will need to be redone. There is limited scope to modify the resource consent as condition 1 requires the project to be constructed in accordance with the plans submitted
- the pipeline is not a wastewater pipe it will collect and store combined sewer overflows
- councils can't indemnify – this removes causation from the process - i.e. if the cliff collapses a claim could be made without proving it was the project that caused the collapse

- the team is offering, as described by Mr Putt for Waterview namely - detailed pre and post construction surveys and monitoring to make sure that any damage can be quantified and then put right
- cliff instability is quite predictable as to where the cliff movements will happen. There is a lot of evidence of prior instability
- the cliff is unstable with or without the project – the project doesn't impact on the existing cliff stability problem
- if cliff falls down, pipe will still be operational. Team stated if they felt the works would have an effect on the cliff the project would not go ahead
- issue is the ground settlement. Need to ensure that appropriate monitoring is carried out to make sure that construction doesn't cause settlement or movement. There are proposed conditions for a monitoring programme under the resource consent. .

Attachments

- A 16 November 2018 Item 7: Objections to St Marys Bay and Masefield Beach improvement project powerpoint
- B 16 November 2018 Item 7: Objections to St Marys and Masefield Beach improvement project - Document 1 - Darrin Johannink and Anjala Natali
- C 16 November 2018 Item 7: Objections to St Marys Bay and Masefield Beach improvement - Document 2 - Susan Young
- D 16 November 2018 Item 7: Objections to St Marys Bay and Masefield Beach improvement - Document 3 - Anne Hackett
- E 16 November 2018 Item 7: Objections to St Marys Bay and Masefield Beach improvement - Document 4 - Jennette Henry

Hearing adjourned at 12.42pm and reconvened at 1.10pm

8 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

9 Procedural motion to exclude the public

Resolution number REG/2018/86

MOVED by Chairperson L Cooper, seconded by Cr S Stewart:

That the Regulatory Committee:

- a) **exclude the public from the following part(s) of the proceedings of this meeting.**
- b) **agree that Alex Cumming, Senior Solicitor Auckland Council be permitted to remain for Confidential Item C1 Deliberations on objections to St Marys bay and Masefield Beach Improvement Project after the public has been excluded, because of their knowledge of legal expertise which will help the Regulatory Committee in its decision-making.**

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 objections to St Mary's Bay and Masefield Beach Improvement Project

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 section 48(i)(d) and section 48(2)(a)(i) apply as the decision is appealable.	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 is made available to the public who are present at the meeting and form part of the minutes of the meeting.

CARRIED

1.12pm 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.

1.57pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Deliberations on objections to St Mary's Bay and Masefield Beach Improvement Project

Resolution number REG/2018/87

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

That the Regulatory Committee:

- c) agree that the decision under clause b), and the reasons supporting the committee decision, not be restated in the open section of the minutes, but be made publicly available within 7 days.

1.57pm

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:.....