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, 11 July 2019 at 9.36am.

PRESENT

| Chairperson | Cr Linda Cooper, JP |
| Deputy Chairperson | Deputy Mayor Cr Bill Cashmore |
| Members | Cr Josephine Bartley |
| | Cr Richard Hills |
| | Cr Daniel Newman, JP |
| | IMSB Liane Ngamane (alternate) |
| | Cr Sharon Stewart, QSM |
| | Cr Wayne Walker |
| | Cr John Watson |
| | IMSB Member Glenn Wilcox |
| | Cr Paul Young |

ABSENT

| Ex-officio | Mayor Hon Phil Goff, CNZM, JP |
| | Cr Fa’anana Efeso Collins |
| | IMSB Chair David Taipari |
1 **Apologies**

Resolution number REG/2019/37

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

That the Regulatory Committee:

a) accept the apology from IMSB Chair David Taipari for absence. and Cr Bartley for lateness.

CARRIED

2 **Declaration of Interest**

There were no declarations of interest.

3 **Confirmation of Minutes**

Resolution number REG/2019/38

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

That the Regulatory Committee:

a) confirm the ordinary minutes of its meeting, held on Thursday, 13 June 2019, 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 Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

The Chairperson outlined the hearing process under Section 460 of the Local Government Act 1974.

Cr Bartley returned to the meeting 9:43
Cr D Newman returned to the meeting at 9.56 am.
Cr S Stewart left the meeting at 9.58 am.

The Chairperson thanked the applicant and explained that the decision would be deliberated in the public excluded section of the meeting and the decision would be made publicly available within seven working days of this hearing.

9 Objection to installation of a stormwater pipe at 119, 119A and 119B New Windsor Road, New Windsor

The Chairperson outlined the hearing process under Section 181 of the Local Government Act 2002

Cr S Stewart returned to the meeting at 10.38 am.

The Chairperson thanked the applicant and objector and explained that the decision would be deliberated in the public excluded section of the meeting and the decision would be made publicly available within seven working days of this hearing.

10 Review of Food Safety Bylaw 2013, options and proposed future direction

Resolution number REG/2019/39

MOVED by IMSB Member G Wilcox, seconded by Cr J Bartley:

That the Regulatory Committee:

a) determine that a bylaw is the most appropriate way to help protect public health from foodborne illness as detailed in Attachment B of the agenda report.

b) agree that option one (improve Bylaw) as detailed in Attachment C of the agenda report is the preferred option to help protect public health from foodborne illness.

c) recommend the Governing Body adopt the Food Safety Information Bylaw Statement of Proposal in Attachment A of the agenda report for public consultation and confirm that the proposed new bylaw:

i) is the most appropriate way to help protect public health from foodborne illness

ii) is the most appropriate form of bylaw

iii) does not give rise to any implications and is not inconsistent with the New Zealand Bill of Rights Act 1990

iv) is not inconsistent with the Food Act 2014.

d) recommend the Governing Body forward to local boards and the Independent Maori Statutory Board:

i) the statement of proposal in Attachment A of the agenda report for their views
ii) this agenda report and attachments for their information.

e) delegate authority to the chairperson of the relevant committee following the 2019 local body elections to:
   i) appoint a chair and two panel members selected from the Governing Body and the Independent Māori Statutory Board to attend ‘Have Your Say’ events as appropriate and to deliberate and make recommendations to the Governing Body on public feedback to the proposal in (c)
   ii) make replacement appointments to the panel if a panel member is unavailable.

f) delegate authority through the Chief Executive to a manager responsible for bylaws:
   i) to appoint staff to receive public feedback at ‘Have Your Say’ events
   ii) to make any amendments to the proposal in (c) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.

CARRIED

11 Request to Appoint Hearing Commissioners for Private Plan Change 21 (Southern Cross Hospitals Ltd) to the Auckland Unitary Plan (Operative in Part)

Resolution number REG/2019/40

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

That the Regulatory Committee:

a) appoint independent commissioners, with expertise in planning, urban design or landscape, transport and tikanga to hear submissions and make decisions on Private Plan Change 21 to the Auckland Unitary Plan (Operative in Part), as follows:
   i) Kit Littlejohn (Chair, Legal)
   ii) Ian Manro (Urban Design)
   iii) Sheena Tepania (Iwi)
   iv) Janine Bell (Planning)

b) delegate authority to the chairperson of the Regulatory Committee (or its equivalent) to make replacement appointments to the hearing panel in resolution a) in the event that a member of the hearings panel is unavailable.

CARRIED
12 Request to Appoint Hearing Commissioners for Private Plan Change 24 (Waita Shores Local Centre) to the Auckland Unitary Plan (Operative in Part)

Resolution number REG/2019/41

MOVED by Chairperson L Cooper, seconded by Cr P Young:

That the Regulatory Committee:

a) appoint independent commissioners, with expertise in planning, transport and tikanga to hear submissions and make decisions on Plan Change 24 (Private) Waiata Shores Local Centre to the Auckland Unitary Plan (Operative in Part), as follows:
   i) Karyn Sinclair (Chair, Planning)
   ii) Robert Scott (Planning)
   iii) Julianne Chetham (Iwi)

b) delegate authority to the chairperson of the regulatory committee (or is equivalent) to make replacement appointments to the hearing panel in resolution a) in the event that a member of the hearings panel is unavailable.

CARRIED

13 Resource Consent Appeals: Status Report 11 July 2019

Resolution number REG/2019/42

MOVED by IMSB Member L Ngamane, seconded by Cr P Young:

That the Regulatory Committee:


CARRIED

14 Summary of Regulatory Committee information memoranda and briefings - 11 July 2019 including the Forward Work Programme

Resolution number REG/2019/43

MOVED by IMSB Member L Ngamane, seconded by IMSB Member G Wilcox:

That the Regulatory Committee:

a) note the progress on the forward work programme appended at Attachment A of the agenda report.

CARRIED

15 Consideration of Extraordinary Items

There was no consideration of extraordinary items.
Public Excluded

Resolution number REG/2019/44

MOVED by Chairperson L Cooper, seconded by Cr P Young:

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:

8 Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

<table>
<thead>
<tr>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Particular interest(s) protected (where applicable)</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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 181 of the Local Government Act 2002</td>
<td>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.</td>
</tr>
</tbody>
</table>

9 Objection to installation of a stormwater pipe at 119, 119A and 119B New Windsor Road, New Windsor

<table>
<thead>
<tr>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Particular interest(s) protected (where applicable)</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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 181 of the Local Government Act 2002</td>
<td>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.</td>
</tr>
</tbody>
</table>

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
11.28am The public was excluded

12.04pm The public was readmitted

**RESTATEMENTS**

It was resolved while the public was excluded:

8 **Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest**

Resolution number REG/2019/45

MOVED by Cr W Walker, seconded by Deputy Chairperson BC Cashmore:

That the Regulatory Committee:

a) hear and determine the objections by the owners of 7 Nicholson Place Hillcrest, pursuant to section 460 of the Local Government Act 1974

b) note that the owner of 7 Nicholson Place, Hillcrest has not provided consent for the drainage works and was given an opportunity to be heard by the Regulatory Committee but did not attend the hearing

c) determine that under section 460(1) of the Local Government Act 1974 that the proposed stormwater connection route across 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest to service 129 – 131 Coronation Road, Hillcrest is the only practical route as shown on MSC Consulting engineers drawings no. 38481 sheet C100 revision A for the following reasons:

i) the drain will rely on gravity and does not require a pump;

ii) all drainage work will comply with Auckland Council’s current code of practice;

iii) the drainage work will include replacing an existing manhole at 7 Nicholson place that does not meet the current code of practice and is in poor condition.

iv) the owners of 133 and 135 Coronation Road, Hillcrest have provided their consent for the drainage works.

v) the drain will provide capacity for other properties to connect into it in the future and connects to the existing drainage network which has sufficient capacity to take the additional stormwater flows of the applicant site and other properties.

vi) the applicant’s engineer and Council’s development engineer provided evidence that they considered alternative options and consider this is the only practical route for stormwater connection. No evidence was provided to the contrary.

Restatement

**c) agree that the matter remain confidential until the conclusion of the hearing and then be restated in the open minutes.**
Objection to installation of a stormwater pipe at 119, 119A and 119B New Windsor Road, New Windsor

Resolution number REG/2019/46

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

That the Regulatory Committee:

a) hear and determine the objections by the owners of 119, 119A and 119B New Windsor Road, New Windsor according to clause 1(e) of Schedule 12 of the Local Government Act 2002, and

b) determine to proceed with construction of the pipeline at 119, 119A and 119B New Windsor Road (as shown in Attachment A to the agenda report) pursuant to section 181 and clause 1(e) of Schedule 12 of the Local Government Act 2002. For the following reasons:

i) the stormwater works are necessary for stormwater drainage to serve the proposed 3 new lots at 121 New Windsor Terrace, New Windsor;

ii) the proposed route is the most direct route and can be constructed at the least cost;

iii) the objectors’ concerns relating to ground conditions will be addressed by Council undertaking a site investigation of ground conditions prior to works commencing and the proposed stormwater line is outside the zone of influence for the 119 New Winder Road dwelling foundations;

iv) the objectors’ concerns about access to their properties is addressed by the construction methodology using directional drilling which will result in minor disruption to property owners and minor interference with existing services;

v) the drain will provide capacity for other properties to connect into it in the future

c) note that Auckland Council is responsible for ensuring any damage caused to private property as a result of the drainage works is repaired.

Restatement

d) agree that the matter remain confidential until the conclusion of the hearing and then be restated in the open minutes.

12.04 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:..................................................................