Kōmiti Whakahaere ā-Ture/
Regulatory Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory Committee held in Room 1, Level 26, 135 Albert St, Auckland on Thursday, 28 November 2019 at 1:30pm.

PRESENT

Chairperson
Cr Linda Cooper, JP

Members
Cr Fa’anana Efeso Collins
Cr Shane Henderson
Cr Daniel Newman, JP
Cr Sharon Stewart, QSM
IMSB Member Glenn Wilcox

(Ex-officio)
Deputy Mayor Cr Bill Cashmore

From 1.32pm, item 8

ABSENT

Deputy Chairperson
Cr Josephine Bartley
Cr Cathy Casey
IMSB Chair David Taipari
Cr Paul Young

(Ex-officio)
Mayor Hon Phil Goff, CNZM, JP
1 Apologies

Resolution number REG/2019/52

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

That the Regulatory Committee:

a) accept the apologies from Cr Dr C Casey, Cr J Bartley, Cr P Young and IMSB Chair D Taiparii for absence.

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

There are no minutes to confirm.

4 Petitions

There is no petitions section.

5 Public Input

There is no public input section.

6 Local Board Input

There is no local board input section.

7 Extraordinary Business

There is no extraordinary business section.

8 Objection to stormwater works at 30 and 32 Kohinoor Avenue, Māngere

The hearing was not required as the objection was withdrawn.

The meeting adjourned at 2pm and reconvened at 2.26pm

Cr E Collins and Cr D Newman were not present
9 Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest

Cr E Collins returned to the meeting at 2.31pm
Cr D Newman returned to the meeting at 2.31pm

A document was tabled in support of the objection. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number REG/2019/53

MOVED by Cr S Henderson, seconded by Cr S Stewart:

That the Regulatory Committee:

a) agree that resolution REG/2019/45 pertaining to Item 8: Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and 7 Nicholson Place, Hillcrest from the 11 July 2019 meeting, be rescinded:

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.

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

CARRIED
The Chairperson thanked the applicant and objectors 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.

Attachments
A  28 November 2019, Regulatory Committee - Item 9: Objection to the Construction of a Public Stormwater line through 133 & 135 Coronation Road, Hillcrest and & Nicholson Place, Hillcrest

10 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

Public Excluded

Resolution number REG/2019/54

MOVED by Cr L Cooper, seconded by Cr E Collins:

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:

<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>
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<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>
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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
2.53pm The public was excluded

3.28pm The public were readmitted

RESTATEMENTS

It was resolved while the public was excluded:

9 Objection to the construction of a Public Stormwater line through 133 & 135 Coronation, Hillcrest and 7 Nicholson Place, Hillcrest

Resolution number REG/2019/55

MOVED by Cr D Newman, seconded by Cr S Henderson:

That the Regulatory Committee:

c) resolve under section 460(1) of the Local Government Act 1974 that the proposed stormwater connection route across 133 & 135 Coronation Road and 7 Nicholson Place to service 129 – 131 Coronation Road, is the only practical route as shown on the MSC Consulting engineers drawings no.38481 sheet C100 revision, Attachment C of the report and that the conditions remain the same as agreed to under rescinded resolution a) sub clauses i) to vi) as nothing has changed. The conditions are as follows:

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

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

CARRIED
3.29 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: ..........................................................................................