
Kōmiti Whakahaere ā-Ture/ Regulatory Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory Committee held in the Room 1, Level 26, 135 Albert St, Auckland on Tuesday, 18 February 2020 at 2.04pm.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Josephine Bartley	
Members	Cr Dr Cathy Casey	
	Cr Fa'anana Efeso Collins	From 2.08pm, Item 8
	Cr Shane Henderson	
	IMSB Chair David Taipari	
	IMSB Member Glenn Wilcox	
	Cr Paul Young	
Ex-officio	Deputy Mayor Cr Bill Cashmore	From 2.42pm, Item 15

ABSENT

Members	Mayor Hon Phil Goff, CNZM, JP
	Cr Daniel Newman, JP
	Cr Sharon Stewart, QSM

1 Apologies

Resolution number REG/2020/1

MOVED by Chairperson L Cooper, seconded by Cr C Casey:

That the Regulatory Committee:

- a) **accept the apologies from Mayor P Goff, Cr D Newman and Cr S Stewart for absence and Deputy Mayor B Cashmore for lateness.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number REG/2020/2

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

That the Regulatory Committee:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 28 November 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 Initiation of Bylaw Reviews in 2020

Cr E Collins entered the meeting at 2.08pm.

Resolution number REG/2020/3

MOVED by IMSB Chair D Taipari, seconded by Deputy Chairperson Cr J Bartley:

That the Regulatory Committee:

- a) **approve the start of the review for the following eight Auckland Council bylaws in accordance with the scope and timeframes outlined in the agenda report:**
 - i) **Property Maintenance and Nuisance Bylaw 2015**
 - ii) **Water Supply and Wastewater Network Bylaw 2015**
 - iii) **Outdoor Fire Safety Bylaw 2014**
 - iv) **Trading and Events in Public Places Bylaw 2015**
 - v) **Traffic Bylaw 2015**
 - vi) **Stormwater Bylaw 2015**
 - vii) **Construction in the Road Corridor and Other Public Places Bylaw 2015**
 - viii) **Wharves Bylaw 2015**
- b) **appoint three separate joint working groups, each comprised of up to two councillors, two local board chairs, or there delegate, and one Independent Māori Statutory Board member to consider statutory options in response to findings from the review of the:**
 - i) **Auckland Council Trading and Events in Public Places Bylaw 2015**
 - Cr C Casey, Cr J Bartley and IMSB Member G Wilcox
 - ii) **Auckland Council Traffic Bylaw 2015 –**
 - Cr S Henderson, Cr L Cooper and IMSB Member G Wilcox
 - iii) **Auckland Council and Auckland Transport Signage Bylaw 2015.-**
 - Cr E Collins, Cr S Henderson, IMSB Member G Wilcox
- c) **request Auckland Transport to advise if they have considered aligning the review of its Trading and Events in Public Places Bylaw 2015 to the review of the Auckland Council Trading and Events in Public Places Bylaw 2015.**

CARRIED

9 Request to Appoint a Hearing Commissioner for Private Plan Change 28 (Florence Carter Avenue, Flat Bush) to the Auckland Unitary Plan (Operative in Part)

Note: changes to the original motion were incorporated under clause a) with the agreement of the meeting.

Resolution number REG/2020/4

MOVED by Cr L Cooper, seconded by Cr C Casey:

That the Regulatory Committee:

- a) **appoint two independent commissioners, with expertise in planning to consider submissions and make decisions on Proposed Plan Change 28 to the Auckland Unitary Plan (Operative in Part), as follows:**

- i) Trevor Mackie (Chair, Planning)
 - ii) Juliane Chetham (Treaty of Waitangi)
- b) delegate authority to the chairperson of the Regulatory Committee to make a replacement appointment in the event that the appointee in clause a) is unavailable.

CARRIED

10 Request to appoint hearing commissioners for Plan Change 34 (Special character statement for Special Character Areas Overlay - Howick Business) to the Auckland Unitary Plan (Operative in part)

Resolution number REG/2020/5

MOVED by Cr E Collins, seconded by Cr P Young:

That the Regulatory Committee:

- a) appoint three independent hearing commissioners, with planning, special character/heritage or urban design experience to hear the submissions on Plan Change 34 to the Auckland Unitary Plan, as follows:
 - i) Greg Hill (Chair, Planning)
 - ii) Richard Knott (Planning & Urban Design)
 - iii) Cherie Lane (Planning & Heritage)
- b) delegate to the independent hearing commissioners appointed in clause a) the authority to make decisions on Plan Change 34 to the Auckland Unitary Plan
- c) delegate to the Chair of the Regulatory Committee the authority to make replacement appointments if necessary.

CARRIED

11 Request to Appoint Hearing Commissioners for Private Plan Change 33 (131 Remuera Road) to the Auckland Unitary Plan (Operative in Part)

Resolution number REG/2020/6

MOVED by IMSB Member G Wilcox, seconded by Cr E Collins:

That the Regulatory Committee:

- a) appoint a single independent commissioner with, Greg Hill expertise in planning and/or social facilities to make decisions on Private Plan Change 33 to the Auckland Unitary Plan (operative in Part), as follows:
 - i) Greg Hill (Planning)
- b) delegate authority to the chairperson of the Regulatory Committee to make a replacement appointment in the event that the appointee in clause a) is unavailable.

CARRIED

12 Request to appoint Hearing Commissioners for Plan Change 35 (Rezoning of land at Foster Crescent, Snells Beach)

Resolution number REG/2020/7

MOVED by Cr S Henderson, seconded by IMSB Chair D Taipari:

That the Regulatory Committee:

- a) **appoint three independent commissioners, with expertise in planning, transport, urban design and tikanga to hear submissions and make decisions on Plan Change 35 (Private) Foster Crescent, Snells Beach to the Auckland Unitary Plan (Operative in Part), as follows:**
 - i) **Robert Scott (Chair, Planning)**
 - ii) **Janine Bell (Transport & Infrastructure)**
 - iii) **William Kapea (Treaty of Waitangi)**
- b) **delegate authority to the chairperson of the Regulatory Committee to make replacement appointments to the hearing panel in clause a) in the event that a member of the panel is unavailable.**

CARRIED

13 Request to appoint hearing commissioners for Plan Change 31 (Addition of Historic Heritage Places to Schedule 14) to the Auckland Unitary Plan (Operative in part)

Resolution number REG/2020/8

MOVED by IMSB Member G Wilcox, seconded by Cr E Collins:

That the Regulatory Committee:

- a) **appoint up to three Independent Hearing Commissioners, with expertise in planning and heritage matters, to hear submissions on Plan Change 31 to the Auckland Unitary Plan (Operative in Part), as follows:**
 - i) **David Mead (Chair, Planning)**
 - ii) **Shona Myers (Heritage)**
- b) **appoint one local board member or councillor to be part of the Hearing Panel to hear submissions on Plan Change 31 to the Auckland Unitary Plan (Operative in Part), as follows:**
 - i) **Lisa Whyte (Upper Harbour Local Board)**
- c) **delegate to the Independent Hearing Commissioners appointed in a) and b), the authority to make decisions on the Plan Change;**
- d) **delegate authority to the chairperson of the Regulatory Committee to make replacement appointments to the Hearing Panel (as contained in clauses a) and b) above) in the event that a member of the hearing panel is unavailable.**

CARRIED

14 Request to Appoint Hearing Commissioners for Plan Change 30 (Pukekohe Park) to the Auckland Unitary Plan (Operative in Part)

Resolution number REG/2020/9

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

That the Regulatory Committee:

- a) **appoint two Independent Hearings Commissioners with expertise in planning, transport and Treaty of Waitangi matters, to hear the submissions and make decisions on Plan Change 30 to the Auckland Unitary Plan, as follows:**
 - i) **Janine Bell (Chair, Transport & Infrastructure)**
 - ii) **Juliane Chetham (Treaty of Waitangi)**
- b) **delegate to the Independent Hearings Commissioners appointed in clause a) the authority to make decisions on Plan Change 30 to the Auckland Unitary Plan; and**
- c) **delegate to the Chair of the Regulatory Committee the authority to make replacement appointments if necessary.**

CARRIED

15 Objection to the construction of a public stormwater line through 214 Forrest Hill Road Forrest Hill

Deputy Mayor BC Cashmore entered the meeting at 2.42pm.

The hearing commenced at 2.28pm in relation to the objection by the owners of 214 Forrest Hill Road, Forrest Hill, pursuant to section 460 of the Local Government Act 1974.

Ryan Shin, Casa Consulting, and Mr HK Kim, the applicant, addressed the committee in support of the proposal.

Wayne Liu and Edison Xin on behalf of B Dragonson and L Zhao Xu, the affected owners of 214 Forrest Hill Road, Forrest Hill, addressed the committee opposing the proposal.

Ryan Shin, Casa Consulting, and Mr HK Kim, the applicant, and addressed the committee in support of the proposal.

The hearing concluded at 2.52pm

16 Objection to stormwater works at 35 and 35A Francis Street, Grey Lynn

A powerpoint was tabled in support of the item. Copies have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

The hearing commenced at 2.53pm in relation to the objection by the owners of 35 and 35A Francis Street, Grey Lynn, pursuant to section 181 of the Local Government Act 2002.

Gwilym van Hoffen, Auckland Council - Project Manager, Ian Wallace, Auckland Council - Flood Projects Team Manager and Darryl Van Der Merwe, AECOM – Design Engineer, representing Auckland Council provided a PowerPoint presentation and addressed the committee in support of the proposal.

John Cole, the affected owner of 35 and 35A Francis Street, Grey Lynn addressed the committee objecting to the proposal.

The hearing concluded at 3.30pm

Attachments

- A 18 February 2020 Regulatory Committee Item 16: Objection to stormwater works at 35 and 35A Francis Street, Grey Lynn - PowerPoint presentation

17 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

Public Excluded

Resolution number REG/2020/10

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

That the Regulatory Committee:

- a) **exclude the public from the following part(s) of the proceedings of this meeting.**
- b) **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:

15. Objection to the construction of a public stormwater line through 214 Forrest Hill Road, Forrest Hill

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
<p>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.</p>	<p>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 1974</p>	<p>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.</p>

16. Objection to stormwater works at 35 and 35A Francis Street, Grey Lynn

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 181 of the Local Government Act 2002	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

3.31pm The public was excluded

3.47pm The public were readmitted.

RESTATEMENTS

15 Objection to the construction of a public stormwater line through 214 Forrest Hill Road, Forrest Hill

Resolution number REG/2020/111

MOVED by IMSB Chair D Taipari, seconded by Cr S Henderson:

That the Regulatory Committee:

- a) hear and determine the objections by the owners of 214 Forrest Hill Road Forrest Hill (Lot 4 DP 50968), 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 connection route across 214 Forrest Hill Road Forrest Hill, is the only practical route as shown on ANCHOR CONSULTING Ltd engineers drawings no. A16-0104 sheet EPA-01 revision A and sheet EPA-02 revision A.

Restatement

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

CARRIED

Note: Pursuant to Standing Order 1.8.3, Deputy Mayor BC Cashmore requested that his abstention be recorded.

Noting:

- The property at 210 Forrest Hill Road is not currently connected to the Council's stormwater network.
- Connecting 210 Forrest Hill Road and the proposed new dwelling on that site to Council's stormwater network will improve stormwater management by reducing the sheet flow discharge to 214 Forrest Hill Road.
- The proposed route is the only practical route, being the most direct route, resulting in the least property disturbance, and a shorter construction time and potential disturbance for residents at 214 Forrest Hill Road.
- The new stormwater pipe will not prevent future development of 214 Forrest Hill Road.
- 214 Forrest Hill Road will be reinstated to the condition it was prior to any stormwater works occurring.

16 Objection to stormwater works at 35 and 35A Francis Street, Grey Lynn

Resolution number REG/2020/112

MOVED by Cr L Cooper, seconded by Deputy Mayor BC Cashmore:

That the Regulatory Committee:

- a) hear and determine the objection by the owners of 35 and 35A Francis Street according to Clause 1(e) of Schedule 12 of the Local Government Act 2002**
- b) resolve that the council will proceed with the proposed stormwater works (as shown in Attachment A of the agenda report), according to clause 1(e) of Schedule 12 of the Local Government Act 2002.**

Restatement

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

CARRIED

Noting:

- The proposed stormwater works are necessary for stormwater drainage in this catchment, which is subject to a flooding risk.
- There is an existing undersized 100-year old pipe under Francis Street that is in poor condition and poses a significant risk of failure. This pipe needs to be replaced as its failure could cause serious damage to surrounding infrastructure and properties, including the subject sites (35 and 35A Francis Street).
- The proposed works are the most cost effective and best practical route, having regard to the to the constraints of the sites, construction risks associated with alternative routes, and the number of properties potentially affected by the works.
- The proposed works will minimise the risk of flooding of habitable floors for storm events of up to a 100-year frequency, allowing for maximum future development within the catchment
- The proposed works provide the best outcomes to the community while minimising construction impacts on affected properties.

3.48pm

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:.....