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## Kōmiti Whakahaere ā-Ture Regulatory Committee

### OPEN MINUTES

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Minutes of a meeting of the Regulatory Committee held via Skype for Business on Tuesday, 1 September 2020 at 10.00am.

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#### PRESENT

|                           |   |   |
|---------------------------|---|---|
| <b>Chairperson</b>        | Cr Linda Cooper, JP   |   |
| <b>Deputy Chairperson</b> | Cr Josephine Bartley  | Presiding from 10.45am to 11.11am,<br>Item 11 |
| <b>Members</b>            | Cr Dr Cathy Casey<br>Cr Fa'anana Efeso Collins<br>Cr Shane Henderson<br>Cr Sharon Stewart, QSM<br>IMSB Chair David Taipari<br>IMSB Member Glenn Wilcox<br>Cr Paul Young | Connectivity issues<br>Until 12.03pm, Item 14 |

#### ABSENT

|                |   |
|----------------|---|
| <b>Members</b> | Mayor Phil Goff, CNZM, JP<br>Cr Daniel Newman, JP<br>Cr Sharon Stewart, QSM |
|----------------|---|

Note: All members attended the meeting via electronic link

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**Note:** a roll-call was conducted that ascertained the following councillors were in attendance by electronic link at the commencement of the meeting:

|                |   |                      |   |
|----------------|---|----------------------|---|
| Cr J Bartley   | ✓ | IMSB Chair D Taipari | ✓ |
| Cr C Casey     | ✓ | Cr S Stewart         |   |
| Cr E Collins   | ✓ | Cr P Young           | ✓ |
| Cr S Henderson | ✓ | IMSB Member G Wilcox | ✓ |

## 1 Apologies

Resolution number REG/2020/48

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

**That the Regulatory Committee:**

- a) **accept the apologies from Mayor P Goff and Cr D Newman for absence.**

**CARRIED ON VOICES**

## 2 Declaration of Interest

Chairperson Cr L Cooper declared an interest in Item 11: Request by the Lion Foundation 2008 Ltd that the Committee grant an exception to the council's Class 4 Gambling (Pokie) Venue Policy.

Cr S Henderson declared an interest in Item 11: Request by the Lion Foundation 2008 Ltd that the Committee grant an exception to the council's Class 4 Gambling (Pokie) Venue Policy.

## 3 Confirmation of Minutes

Resolution number REG/2020/49

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

**That the Regulatory Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 28 July 2020, as a true and correct record.**

**CARRIED ON VOICES**

## 4 Petitions

There were no petitions.

## 5 Public Input

Item - 5.1 Problem Gambling Foundation Group - Graham Aitken was deferred to after Item 8 Property Maintenance and Nuisance Bylaw: 2020 Review Findings with the agreement of the meeting.

## 6 Local Board Input

There was no local board input.

## 7 Extraordinary Business

There was no extraordinary business.

## 8 Property Maintenance and Nuisance Bylaw: 2020 Review Findings

Resolution number REG/2020/50

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

**That the Regulatory Committee:**

- a) endorse the property maintenance and nuisance findings in Attachment A of the agenda report.
- b) agree that the statutory review of the Property Maintenance and Nuisance Bylaw 2015, is complete including that:
  - i) a bylaw is still the most appropriate way to manage specific activities and behaviour on private property that may cause a public health risk or public nuisance
  - ii) the current Bylaw does not give rise to any implications and is not inconsistent with the New Zealand Bill of Rights Act 1990
  - iii) the current bylaw structure and wording could be improved.
- c) request that staff as delegated by the Chief Executive prepare an options report in response to the findings in Attachment A of the agenda report.

**CARRIED ON VOICES**

## 5 Public Input

### 5.1 Problem Gambling Foundation Group - Graham Aitken

Resolution number REG/2020/51

MOVED by Cr C Casey, seconded by Cr E Collins:

**That the Regulatory Committee:**

- a) receive public input from Graham Aitken from the Problem Gambling Foundation Group in relation to Item 11: Request by the Lion Foundation 2008 Ltd that the committee grant an exception to the council's Class 4 and thank him for his attendance.

**CARRIED ON VOICES**

## 9 Proposal to amend the Alcohol Control Bylaw 2014

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

Resolution number REG/2020/52

MOVED by Cr J Bartley, seconded by Cr C Casey:

**That the Regulatory Committee:**

- a) **note that this committee completed the review of the Alcohol Control Bylaw 2014 in April 2019 and determined that a bylaw about the consumption or possession of alcohol in public places is still the most appropriate way to address crime or disorder in certain public places caused or made worse by alcohol consumed there.**
- b) **recommend the Governing Body adopt the statement of proposal in Attachment A of this agenda report for public consultation, and confirm that the proposed amended Alcohol Control Bylaw 2014:**
  - i) **is the most appropriate form of bylaw**
  - ii) **does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.**
- c) **recommend the Governing Body forward to the Independent Māori Statutory Board the statement of proposal in clause b) for their advice.**
- d) **recommend the Governing Body forward to local boards this agenda report and attachments for their information.**
- e) **appoint Deputy Chairperson Cr Josephine Bartley, Cr Cathy Casey and Independent Māori Statutory Board Member Glenn Wilcox to attend 'Have Your Say' events and to deliberate and make recommendations to the Governing Body on public feedback to the statement of proposal in clause b).**
- f) **delegate authority to the Regulatory Committee chairperson to make replacement appointments to the bylaw panel if a panel member is unavailable.**
- g) **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 clause b) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.**

**CARRIED ON VOICES**

## 10 Proposal to amend the Cemeteries and Crematoria Bylaw 2014

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

Resolution number REG/2020/53

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

**That the Regulatory Committee:**

- a) **note that this committee determined in April 2019 that a bylaw about council cemeteries and crematoria is still the most appropriate way to manage activities that may cause public safety hazards, damage to property, and unnecessary distress to mourners or relatives.**
- b) **recommend the Governing Body adopt the statement of proposal in Attachment A of this agenda report for public consultation, and confirm that the proposed amended Cemeteries and Crematoria Bylaw 2014:**
  - i) **is the most appropriate form of bylaw**
  - ii) **does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.**
- c) **recommend the Governing Body forward to the Independent Māori Statutory Board the proposal in clause b) for their advice.**
- d) **recommend the Governing Body forward to local boards this agenda report and attachment for their information.**
- e) **appoint Chairperson Cr Linda Cooper, Cr Efeso Collins and Independent Māori Statutory Board Member Glenn Wilcox to attend 'Have Your Say' events and to deliberate and make recommendations to the Governing Body on public feedback to the proposal in clause b).**
- f) **delegate authority to the Regulatory Committee chairperson to make replacement appointments to the bylaw panel if a panel member is unavailable.**
- g) **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 clause b) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.**

**CARRIED ON VOICES**

## 11 Request by the Lion Foundation 2008 Ltd that the Committee grant an exception to the council's Class 4 Gambling (Pokie) Venue Policy

Cr S Henderson declared an interest in this item and took no part in the discussion or voting on the matter. Cr S Henderson left the meeting at 10.45am.

Chairperson Cr L Cooper declared an interest in this item and took no part in the discussion or voting on the matter.

The Chairperson, Cr L Cooper vacated the chair in favour of the Deputy Chairperson, Cr J Bartley and left the meeting at 10.45am

Cr J Bartley assumed the chair.

Supplementary information was tabled by the Lion Foundation 2008 Ltd in support of their request for an exception. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Note: changes to the original motion were made with the agreement of the meeting.

Resolution number REG/2020/54

MOVED by Cr C Casey, seconded by Cr E Collins:

**That the Regulatory Committee:**

- a) **agree that its response to the application by the Lion Foundation 2008 Ltd is to decline to grant consent for the Lion Foundation 2008 Ltd to establish a new class 4 gambling venue at Unit H, 24 Dunrobin Place, Pakuranga.**

**CARRIED ON VOICES**

Cr J Bartley vacated the chair. Cr L Cooper returned to the meeting and resumed the chair at 11.11am.

*Cr S Henderson returned to the meeting at 11.13am.*

**Attachments**

- A 1 September 2020 - Regulatory Committee: Item 11 - Request by the Lion Foundation 2008 Ltd that the Committee grant an exception to the council's Class 4 Gambling (Pokie) Venue Policy

**12 Resource Consent Appeals: Status Report 1 September 2020**

Resolution number REG/2020/55

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

**That the Regulatory Committee:**

- a) **receive the Resource Consents Appeals: Status Report 1 September 2020.**

**CARRIED ON VOICES**

**13 Regulatory Committee Forward Work Programme**

Resolution number REG/2020/56

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

That the Regulatory Committee:

- a) **approve the Regulatory Committee forward work programme (Attachment A of the agenda report)**

**CARRIED ON VOICES**

The meeting adjourned at 11.16am and reconvened at 11.25am.

**Note:** a roll-call was conducted that ascertained the following councillors were in attendance by electronic link when the meeting reconvened:

|                |   |                      |   |
|----------------|---|----------------------|---|
| Cr J Bartley   | ✓ | IMSB Chair D Taipari | ✓ |
| Cr C Casey     | ✓ | Cr S Stewart         |   |
| Cr E Collins   | ✓ | Cr P Young           | ✓ |
| Cr S Henderson | ✓ | IMSB Member G Wilcox | ✓ |

#### 14 **Objection to stormwater connection to public manhole located within 73 Park Rise Campbells Bay**

Mr Jens Richter emailed a document in support of his objection to the stormwater connection to a public manhole located within 73 Park Rise, Campbells Bay. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

*IMSB Chair D Taipari retired from the meeting at 12.03pm.*

The hearing commenced at 11.26am in relation to the objection to a stormwater connection to public manhole located within 73 Park Rise, Campbells Bay.

Mr Peter Lowe, Director – Landworks Consulting on behalf of the applicant Mr Kexin Wang, provided an overview of the application, addressed the committee in support of it and responded to questions from the committee.

Mr James Leddy –affected owner previously of 3 / 73A now owner of 8 / 73A was in attendance, via Skype for business, and spoke to his objection to a stormwater connection to a public manhole located within 73 Park Rise, Campbells Bay and responded to questions from the committee.

Mr Jens Richter – affected owner at 2 / 73A is unable to attend this hearing but has tabled a document in support of his objection, Chairperson Cr Linda Cooper read out Mr Richter's statement.

Mr Cedric Daniel – Auckland Council's Senior Development Engineer responded to questions from the committee.

Mr Peter Lowe, Director – Landworks Consulting on behalf of the applicant Mr Kexin Wang, responded to matters raised during the hearing.

The hearing concluded at 12.14pm.

#### **Attachments**

- A 1 September 2020 - Regulatory Committee: Item 14 Objection to stormwater connection to public manhole located within 73 Park Rise, Campbells Bay - Objection statement Mr Jens Richter

#### 15 **Consideration of Extraordinary Items**

There was no consideration of extraordinary items.



**16 Procedural motion to exclude the public**

Resolution number REG/2020/57

MOVED by Cr 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.
- 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:

**14 Objection to stormwater connection to public manhole located within 73 Park Rise Campbells Bay**

| 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 1974 | s48(1)(a)<br>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. |

**CARRIED ON VOICES**

- 12.16pm The public was excluded
- 12.29pm The public were readmitted.

**RESTATEMENTS**

**14 Objection to stormwater connection to public manhole located within 73 Park Rise, Campbells Bay**

Resolution number REG/2020/58

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

That the Regulatory Committee:

- a) hear and determine the objections by the owners of 73 Park Rise, Campbells Bay, 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 73 Park Rise, is the only practical route as shown on LANDWORKS CONSULTING Ltd engineers drawings P18-59 sheet 400 revision A and sheet 401 revision A.
- c) agree that the matter remain confidential until the conclusion of the hearing and then be restated in the open minutes.

Noting:

- The works will comply with Council’s Stormwater Code of Practice and will improve the existing drainage on the development site.
- The approved route will minimize the extent of construction work required outside the development site.
- Access to 73 Park Rise will be maintained or enabled at short notice for the duration of the construction works.
- Services will be located prior to work commencing to prevent damage or disruption.
- Council is responsible for the works and any reinstatement required.

12.29pm

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:**.....