
Kōmiti Whakahaere ā-Ture / Regulatory Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory Committee held in the Reception Lounge, Level 2, Queen St, Auckland on Tuesday, 13 October 2020 at 2.00pm.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Josephine Bartley	
Members	Cr Dr Cathy Casey	
	Cr Fa'anana Efeso Collins	From 2.14pm, Item 8
	Cr Shane Henderson	
	IMSB Chair David Taipari	
	IMSB Member Glenn Wilcox	From 2.08, Item 8
	Cr Paul Young	
Ex-officio	Deputy Mayor Cr Bill Cashmore	

ABSENT

Mayor Phil Goff
Cr Daniel Newman, JP
Cr Sharon Stewart, QSM

1 Apologies

Resolution number REG/2020/59

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

That the Regulatory Committee:

- a) **accept the apology from Mayor P Goff, Cr D Newman and Cr S Stewart for absence.**

CARRIED

2 Declaration of Interest

Chairperson Cr L Cooper declared an interest in Item 12: Gambling Venue Policies Review 2020 and Item 13: Signage Bylaw 2015 Review High-Level Options Report

3 Confirmation of Minutes

Resolution number REG/2020/60

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

That the Regulatory Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 1 September 2020, 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 2019/2020 Animal Management Annual Report

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

IMSB Member G Wilcox joined the meeting at 2.08pm

Cr E Collins joined the meeting at 2.14pm.

Resolution number REG/2020/61

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

That the Regulatory Committee:

- a) **adopt the 2019/2020 Animal Management Annual Report**
- b) **note that the Animal Management Annual Report is required under Section 10A of the Dog Control Act 1996. The report will be published on the Auckland Council website and a link to the report will be forwarded to the Department of Internal Affairs.**
- c) **thank the Animal Management Team for their exemplary effort over the last 12 months.**

CARRIED

Attachments

- A 13 October 2020 - Regulatory Committee - Item 8: 2019/2020 Animal Management Annual Report - presentation

9 Proposal to make a new bylaw about Navigation Safety

Note: a change was made to original recommendation clause f), with the agreement of the meeting.

Resolution number REG/2020/62

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

That the Regulatory Committee:

- a) **note that this committee completed the review of the Navigation Safety Bylaw 2014 in June 2020 and determined that a bylaw is still the most appropriate way to address navigation safety issues within Auckland's navigable waters.**
- b) **recommend that the Governing Body adopt the statement of proposal in Attachment A of this agenda report for public consultation, and confirm that the proposed new Auckland Council Navigation Bylaw 2021:**
 - 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**
 - iii) **it is not inconsistent with the Maritime Transport Act 1994, Maritime Rules, Resource Management Act 1991 or Auckland Unitary Plan.**
- 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) **recommend the Governing Body delegate authority through the Chief Executive to a manager responsible for bylaws the matters in clause h) iii).**

- f) **appoint:**
- i) **Cr L Cooper as chair**
 - ii) **Cr E Collins**
 - iii) **an Independent Māori Statutory Board member**
- 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).**
- g) **delegate authority to the Regulatory Committee chairperson to make replacement appointments to the bylaw panel if a panel member is unavailable.**
- h) **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 amend the proposal in clause b) to update the table and maps in the Auckland Council Navigation Bylaw (Specific Areas and Conditions of Use) Control 2021**
 - iii) **to amend the proposal in clause b) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.**

CARRIED

10 Review findings and options for the Outdoor Fire Safety Bylaw

Resolution number REG/2020/63

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

That the Regulatory Committee:

- a) **agree that a bylaw is no longer the most appropriate way to protect public health, safety, property and the environment from outdoor fires.**
- b) **agree that option three (rely on other existing regulations and revoke the Bylaw by resolution in relation to matters regulated by FENZ and allow the remainder of the Bylaw to lapse on 18 December 2021) as detailed in Attachment B of the agenda report is the preferred option to protect public health, safety, property and the environment from outdoor fires.**
- c) **recommend the Governing Body:**
 - i) **revoke the Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Tahu Āhuru Noa te Ahi i Waho / Auckland Council Outdoor Fire Safety Bylaw 2014, with exception of clauses 1, 2 and 8(a)(iii), as the remainder are now the responsibility of Fire and Emergency New Zealand.**
 - ii) **allow the remaining parts of the bylaw identified in (c)(i) that are addressed through Auckland Unitary Plan to lapse on 18 December 2021.**

CARRIED

11 Review findings of the Auckland Council Trading and Events in Public Places Bylaw 2015

Note: changes were made to the original recommendation, adding new clause d) with the agreement of the meeting.

IMSB Chair D Taipari left the meeting at 2.53pm.

Resolution number REG/2020/64

MOVED by Cr P Young, seconded by Cr S Henderson:

That the Regulatory Committee:

- a) **endorse the ‘Trading and Events in Public Places Bylaw 2015: 2020 Findings Report’ in Attachment A of this agenda report.**
- b) **agree that a bylaw is still the most appropriate way to manage trading activities (including micromobility), events and filming in public places.**
- c) **request that staff as delegated by the Auckland Council Chief Executive prepare an options report in response to the findings in Attachment A of the agenda report**
- d) **request though the Auckland Council Chief Executive to invite the Chief Executive of Auckland Transport to allocate his staff to participate in options development.**

CARRIED

12 Gambling Venue Policies Review 2020

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 2.55pm

Cr J Bartley assumed the chair.

Resolution number REG/2020/65

MOVED by Cr C Casey, seconded by Member G Wilcox:

That the Regulatory Committee:

- a) **accept the findings of the review of Auckland Council’s gambling venue policies.**
- b) **retain the Class 4 Gambling (pokie) Venue Policy 2013.**
- c) **retain the Racing Board (TAB) Venue Policy 2013, updating its name and venue definition to the Racing Industry Act 2020 terms.**

CARRIED

13 Signage Bylaw 2015 Review High-Level Options Report

Member G Wilcox left the meeting at 3.07 pm.

Note: changes were made to the original recommendation amending clause c) and adding new clauses f) and g), with the agreement of the meeting.

Resolution number REG/2020/66

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

That the Regulatory Committee:

- a) endorse the 'Signage Bylaw 2015 High Level Options Report 2020' in Attachment A of the agenda report.
- b) agree that Option 2: Enhanced status quo as contained in Part A of Attachment A of the agenda report is the preferred regulatory framework to manage signs in Auckland.
- c) agree that Option 3: Prioritise proactive enforcement through the Targeted Initiative team within the Regulatory Compliance Unit be endorsed and Option 4: Banning off-licence signage on public land as contained in Part B of Attachment A of the agenda report are the preferred option to regulate off-licence signage in Auckland.
- d) request that staff as delegated by the Chief Executive prepare a detailed options report to implement decisions under clause b) and clause c) above.
- e) endorse the consideration of Option 5: By sign type and Option 6: By location as part of the future signage bylaw and Unitary Plan reviews.
- f) endorse exploring Options 5 to 8 relating to alcohol signage independent of the Signage Bylaw Review.
- g) agree that the deputy chair of the committee and Cr E Collins advocate to central government for tighter national restrictions on alcohol marketing.

CARRIED

Cr J Bartley vacated the chair. Cr L Cooper returned to the meeting and resumed the chair at 3.37pm

14 Resource Consent Appeals: Status Report 13 October 2020

Resolution number REG/2020/67

MOVED by Cr E Collins, seconded by Cr S Henderson:

That the Regulatory Committee:

- a) receive the Resource Consents Appeals: Status Report 13 October 2020

CARRIED

15 Summary of Regulatory Committee Information - updates, memos and briefings - 13 October 2020

Resolution number REG/2020/68

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

That the Regulatory Committee:

- a) receive the summary of the Regulatory Committee report – 13 October 2020.

CARRIED

The meeting adjourned at 3.41pm and reconvened at 3.44pm.

IMSB Chair D Taipari returned to the meeting at 3.44 pm.

16 Objection to a menacing dog classification - Mr Adam Palmer

The hearing commenced at 3.44pm in relation to the objection to a menacing dog classification, pursuant to section 33A of the Dog Control Act 1996.

Mr Adam Palmer addressed the committee and outlined the classification and responded to questions. He tabled some additional information which has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Council staff addressed the committee and outlined the classification and responded to questions.

Mr Adam Palmer was given the opportunity to reply to the matters raised by the council and provide the committee with final comments.

The hearing concluded at 4.23pm.

Attachments

- A 13 October 2020, Regulatory Committee: Item 16 - Objection to a menacing dog classification - Mr Adam Palmer, Additional information

17 Objection for Wastewater connection for 21 Lincoln Road Henderson

The hearing commenced at 4.24pm in relation to the objection by the owners of 2 Sel Peacock Drive, Henderson, pursuant to section 460 of the Local Government Act 1974.

Mr Grant La Hood, owner 21 Lincoln Road, Henderson provided an overview of the application, addressed the committee in support and responded to questions from the committee.

Chaun He and Donglei Wang, owner 2 Sel Peacock Drive, Henderson was in attendance and spoke to their objection to the wastewater connection and responded to questions from the committee.

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

Mr Grant La Hood responded to matters raised during the hearing.

The hearing concluded at 4.54pm

18 Recommendation for the Appointment of independent hearings commissioners 2021-2023

Resolution number REG/2020/69

MOVED by IMSB Chair D Taipari, seconded by Cr C Casey:

That the Regulatory Committee:

- a) **note the selection process for independent hearings commissioner appointments for the 2021-2023 term**
- b) **note that it will consider recommendations for independent hearings commissioner appointments after the public has been excluded.**

CARRIED

19 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

20 Procedural motion to exclude the public

Resolution number REG/2020/70

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:

C1 **CONFIDENTIAL: Recommendation for the appointment of independent hearings commissioners 2021-2023**

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)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains the names of people recommended as independent hearings commissioners. This information should not be made public until the Regulatory Committee endorses the recommendations and the successful applicants confirm their acceptance of the appointment.	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.

16 Objection to a menacing dog classification - Mr Adam Palmer

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, deliberations of the decision could be compromise the council in undertaking without prejudice negotiations of	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.

	this objection pursuant to section 33A of the Dog Control Act 1996	
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17 Objection for Wastewater connection for 21 Lincoln Road Henderson

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) 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

4.55pm 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.

5.20pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 CONFIDENTIAL: Recommendation for the appointment of independent hearings commissioners 2021-2023

Resolution number REG/2020/71

MOVED by Cr J Bartley, seconded by Cr P Young:

- c) agree that the successful candidate appointments will be made public once:
 - i) criminal history checks have been completed
 - ii) successful candidates have been advised and confirmed acceptance of their appointment
 - iii) unsuccessful candidates have been notified.

16 Objection to a menacing dog classification - Mr Adam Palmer

Resolution number REG/2020/72

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

- a) hear and determine the objection to the menacing dog classification by Mr Palmer pursuant to section 33B of the Dog Control Act 1996.
- b) note that the Committee has considered the information provided in the agenda item and attachments, the evidence presented by Council Staff and the evidence presented by the Objector.
- c) uphold the menacing classification of Mr Palmer's dog Bonnieville.
- d) agree that the matter remain confidential until the conclusion of the hearing and then be restated in the open minutes.

Reasons for decision:

The Committee was satisfied on the basis of the information presented by Staff, including the witness complaint and the decision of the District Court to uphold two infringement notices for separate attacks on another dog, that Mr Palmer's dog Bonnieville may pose a threat to any persons or animals and therefore determined to uphold the menacing classification.

The Committee notes that the Agenda Report incorrectly referred to this matter as being an objection under section 33D of the Dog Control Act 1996 (rather than section 33B) which relates to dogs belonging to a breed or type.

17 Objection for Wastewater connection for 21 Lincoln Road Henderson

Resolution number REG/2020/73

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

- a) hear and determine the objections by the owners of 4 Sel Peacock Drive Henderson, pursuant to section 460 of the Local Government Act 1974; and
- b) subject to the hearing of the objection, resolve under section 460(1) of the Local Government Act 1974 that the proposed wastewater connection to the existing manhole within 4 Sel Peacock Drive Henderson, is the only solution as shown on Antrim Consultants Ltd engineers drawing C.4 revision A.

Restatement

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

Reasons for decision :

There is currently a 100mm private wastewater drain serving 21 Lincoln Road connected to the manhole on the objectors property. A capacity upgrade to a 150mm wastewater drain is required to serve the new development consented for 21 Lincoln Road.

The proposed route is the only practical route as the alternative option would require pumping wastewater uphill. Construction is anticipated to take a day (at most 2 days), involves minimal disturbance to the objectors' property as the manhole is approximately 700mm from the property boundary, and any land disturbance will be remediated.

The objectors did not identify any practical alternative drainage options.

Auckland Council is responsible for the drainage works and ensuring that the property will be reinstated to the condition it was prior to works commencing.

5.20 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:.....