
Kōmiti Whakahaere ā-Ture / Regulatory Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory Committee held via Skype for Business on Tuesday, 16 February 2021 at 10.00am.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Josephine Bartley	
Members	Cr Dr Cathy Casey	
	Cr Fa'anana Efeso Collins	Until 11.59am, Item 14
	Cr Shane Henderson	
	Cr Daniel Newman, JP	
	Cr Sharon Stewart, QSM	
	IMSB Chair David Taipari	
	Member Glenn Wilcox	
	Cr Paul Young	
Ex-officio	Deputy Mayor Bill Cashmore	

ABSENT

Mayor Phil Goff

ALSO PRESENT

Cr Angela Dalton

Note: All members attended the meeting via electronic link

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

Deputy Mayor BC Cashmore	✓	Cr D Newman	✓
Cr J Bartley	✓	Cr S Stewart	✓
Cr C Casey	✓	IMSB Chair David Taipari	✓
Cr E Collins	✓	Member Glenn Wilcox	✓
Cr S Henderson	✓	Cr P Young	✓

1 Apologies

Resolution number REG/2021/1

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

That the Regulatory Committee:

- a) accept the apology from Mayor P Goff for absence.

CARRIED ON VOICES

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number REG/2021/2

MOVED by Cr L Cooper, seconded by Cr S Stewart:

That the Regulatory Committee:

- a) confirm the ordinary minutes of its meeting, held on Tuesday, 17 November 2020, as a true and correct record.

CARRIED ON VOICES

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 Proposal to amend the Water Supply and Wastewater Network Bylaw 2015

MOVED by Cr D Newman, seconded by Cr L Cooper:

That the Regulatory Committee:

- a) note that this committee completed the review of the Auckland Council Water Supply and Wastewater Network Bylaw 2015 in May 2020 and determined that a bylaw is still the most appropriate way to protect Auckland's water sources and water supply and wastewater networks from damage, misuse and interference, but that the bylaw could be improved by making certain amendments to it.
- 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 Water Supply and Wastewater Network Bylaw 2015:
 - i) is the most appropriate form of a 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 attachment for their information.
- e) appoint a chair and two bylaw panel members selected from the Governing Body, the Independent Māori Statutory Board and Watercare to attend 'Have Your Say' events to deliberate and make recommendations to the Governing Body on public feedback to the Statement of Proposal in clause b). Panel members:
 - Governing Body - Cr Linda Cooper
 - Watercare – panel member to be advised
 - Independent Māori Statutory Board – panel member to be advised
- 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 of Watercare:
 - 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, omission or to reflect decisions made by the Regulatory Committee or the Governing Body.

Note: clauses a), c), d), e), f) & g) were put together.

Resolution number REG/2021/3

MOVED by Cr D Newman, seconded by Cr L Cooper:

That the Regulatory Committee:

- a) **note that this committee completed the review of the Auckland Council Water Supply and Wastewater Network Bylaw 2015 in May 2020 and determined that a**

bylaw is still the most appropriate way to protect Auckland's water sources and water supply and wastewater networks from damage, misuse and interference, but that the bylaw could be improved by making certain amendments to it.

and

- 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 attachment for their information.
- e) appoint a chair and two bylaw panel members selected from the Governing Body, the Independent Māori Statutory Board and Watercare to attend 'Have Your Say' events to deliberate and make recommendations to the Governing Body on public feedback to the Statement of Proposal in clause b). Panel members:
 - Governing Body - Cr Linda Cooper
 - Watercare – panel member to be advised
 - Independent Māori Statutory Board – panel member to be advised
- 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 of Watercare:
 - 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, omission or to reflect decisions made by the Regulatory Committee or the Governing Body.

CARRIED ON VOICES

Note: clause b) was put.

Resolution number REG/2021/4

MOVED by Cr D Newman, seconded by Cr L Cooper:

That the Regulatory Committee:

- 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 Water Supply and Wastewater Network Bylaw 2015:
 - i) is the most appropriate form of a bylaw
 - ii) does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.

A division was called for, voting on which was as follows:

For

Cr J Bartley
Cr L Cooper
Cr Dr C Casey
Deputy Mayor B Cashmore
Cr E Collins
Cr S Henderson
Cr D Newman
Cr S Stewart
Cr P Young

Against

IMSB Chair D Taipari
IMSB Member G Wilcox

Abstained

The motion was declared CARRIED by 9 votes to 2.

CARRIED ON VOICES

9 Trading and Events in Public Places Bylaw 2015 - Options Report 2021

A supplementary report was provided and a copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number REG/2021/5

MOVED by Cr D Newman, seconded by Cr C Casey:

That the Regulatory Committee:

- a) **agree that a new bylaw is the most appropriate way to protect the public from safety risks and nuisance in, and the misuse of, council-controlled public places related to:**
 - i) **markets and stalls**
 - ii) **mobile shops**
 - iii) **outdoor dining**
 - iv) **fundraising**
 - v) **offering commercial services**
 - vi) **promotional goods or material**
 - vii) **street performance (including busking and pavement art)**
 - viii) **outdoor display of goods**
 - ix) **micromobility**
 - x) **events**
 - xi) **filming**
- b) **request that staff as delegated by the Chief Executive prepare a Statement of Proposal that:**
 - i) **makes a new trading, events and filming in public places bylaw under Local Government Act 2002, Local Government (Auckland Council) Act 2009 and Land Transport Act 1998**
 - ii) **address the matters detailed in paragraph 28 and Appendix 1 of Attachment A for the topics in clause a) of the agenda report.**

CARRIED ON VOICES

Attachments

- A 16 February 2021 - Regulatory Committee: Item 9, Trading and Events in Public Place Bylaw Supplementary Report

10 Resource Consents Appeals: Status Report 16 February 2021

Resolution number REG/2021/6

MOVED by Cr E Collins, seconded by Cr J Bartley:

That the Regulatory Committee:

- a) **receive the Resource Consents Appeals: Status Report 12 February 2021**

CARRIED ON VOICES

11 Summary of Regulatory Committee Information - updates, memos and briefings - 16 February 2021

Resolution number REG/2021/7

MOVED by Cr L Cooper, seconded by Cr J Bartley:

That the Regulatory Committee:

- a) receive the summary of the Regulatory Committee report – 16 February 2021.

CARRIED ON VOICES

The meeting adjourned at 11.05am and reconvened at 11.11am

12 Objection to stormwater works at 88 Calliope Road, Stanley Point

A powerpoint presentation was provided by Auckland Councils Healthy Waters team and a copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

The hearing commenced 11.11am in relation to the objection by the owners of 88 Calliope Road, Stanley Point pursuant to section 181 and clause 1(e) of Schedule 12 of the Local Government Act 2002.

Auckland Council (the applicant) provided an overview of the application, addressed the committee in support and responded to questions from the committee.

Mr C Waterworth, owner 88 Calliope Road, Stanley Point was in attendance via electronic link and spoke to his objection to the proposed stormwater works and responded to questions from the committee.

Auckland Council responded to matters raised during the hearing.

The hearing concluded at 11.59am.

Attachments

- A 16 February 2021 - Regulatory Committee: Item 12, Objection to Stormwater works at 88 Calliope Road, Stanley Point - Healthy Waters presentation.

13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

14 Procedural motion to exclude the public

Resolution number REG/2021/8

MOVED by Cr D Newman, seconded by Cr C Casey:

That the Regulatory Committee:

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

The general subject of the 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:

12 Objection to stormwater works at 88 Calliope Road, Stanley Point

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.	<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).</p> <p>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.</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.

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 ON VOICES

11.59am The public was excluded

12.14pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

12 Objection to stormwater works at 88 Calliope Road, Stanley Point

Resolution number REG/2021/9

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

That the Regulatory Committee:

- a) hear and determine the objection by the owners of 88 Calliope Road according to clause 1(e) of Schedule 12 of the Local Government Act 2002
- b) resolve that the council may 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.

Note: Pursuant to Standing Order 1.8.6, the following members requested their dissenting vote be recorded:

- IMSB Chair D Taipari
- IMSB Member G Wilcox

Reasons for decision:

The works will address an existing public stormwater network issue as the existing pipe is in poor condition and undersized and a new pipe will mitigate the potential for future flooding and climate change risk.

Option B is the preferred route taking into account:

- the density of existing development limiting access and working space for machinery and construction personnel; and
- the risk of damage to existing foundations, houses and other structures during construction due to close proximity of the new pipe; and
- potential clashes with existing stormwater pipes (both public and private); and
- potential clashes with other utility services, retaining walls and trees; and
- cost and practicability relating to constructing the new pipe on the same alignment as the old pipe.

Healthy Waters staff have confirmed that the objector's driveway will be replaced as part of site reinstatement works.

12.15 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:.....