
Komiti 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, 20 April 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 | |
| | Cr Shane Henderson | From 10.10am, Item 8 |
| | Cr Daniel Newman, JP | |
| | Cr Sharon Stewart, QSM | |
| | IMSB Chair David Taipari | |
| | Member Glenn Wilcox | |
| | Cr Paul Young | From 10.10am, Item 8 |

ABSENT

Deputy Mayor Cr Bill Cashmore
Mayor Phil Goff

1 Apologies

Resolution number REG/2021/18

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

That the Regulatory Committee:REG/2021/19

- a) **accept the apology from Mayor P Goff for absence on council business.**

CARRIED

2 Declaration of Interest

Chairperson Cr L Cooper declared an interest in Item 8, Part B Signage Bylaw 2015 Review Detailed Options Report, in particular, alcohol signage.

Cr S Henderson subsequently declared an interest in Item 8 – Signage Bylaw 2015 Review Detailed Options report in particular, alcohol signage.

3 Confirmation of Minutes

Resolution number REG/2021/19

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, 16 March 2021, 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 Signage Bylaw 2015 Review Detailed Options Report

Chairperson Cr L Cooper declared an interest in this matter and took no part in the discussion on alcohol signage and did not vote on the Signage Bylaw 2015 Review Detailed Options Report.

The Chairperson, Cr L Cooper vacated the chair in favour of the Deputy Chairperson, Cr J Bartley and left the meeting at 10.35am

Cr S Henderson declared an interest in this matter and left the room at 10.35am taking no part in the discussion on alcohol signage and did not vote on the Signage Bylaw 2015 Review Detailed Options Report.

Resolution number REG/2021/20

MOVED by Member G Wilcox, seconded by IMSB Chair D Taipari:

That the Regulatory Committee:

- a) **agree that Option 2: Unitary Plan-inspired structure as contained in Part A of Attachment A of the agenda report is the preferred form of a new bylaw to manage signs in Auckland.**
- b) **request that staff as delegated by the Chief Executive and the Board of Auckland Transport prepare a Statement of Proposal that:**
 - i) **makes a new signage bylaw under the Local Government Act 2002, the Land Transport Act 1998 and the Prostitution Reform Act 2003**
 - ii) **uses a structure described in Part A of Attachment A of this agenda report**
 - iii) **addresses the matters detailed in Appendix 1 of Attachment A of this agenda report.**
- c) **agree that using landowner approvals is not an appropriate method to ban off-licence outlet alcohol signage on council controlled public places.**
- d) **note that council will continue to explore other methods to reduce community exposure to alcohol marketing by off-licence outlets independent of the signage bylaw review as requested by the committee in October 2020 (REG/2020/66).**

CARRIED

Deputy Chairperson J Bartley vacated the chair. Chairperson Cr L Cooper resumed the Chair at 11.10 am

9 Hearing request on the proposed land exchange of 25 Barbarich Drive for 50 Tihi Street, Stonefields

Note: changes to original recommendation amending clause a) adding new clause b) were made with the agreement of the meeting.

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

That the Regulatory Committee:

- a) **appoint independent commissioner David Hill, for the proposed land exchange of 2970m² of land at 25 Barbarich Drive with 19,425m² of land located at 50 Tihi Street in Stonefields to**
 - i) **hear submissions in accordance with the requirements of the Reserves Act 1977**
 - ii) **consider all submissions received and make a recommendation based on matters in scope of the requirements of the Reserves Act 1977 for consideration by the Parks, Arts, Community, and Events Committee in their decision-making.**

- b) delegate authority to the chairperson of the Regulatory Committee to make replacement appointments to the hearing panel in the event that the commissioner is not available.

MOVED by IMSB Chair D Taipari, seconded by Cr E Collins: an amendment by way of addition.

- c) appoint James Whetu as an additional independent commissioner.

Note: following discussion the meeting agreed to incorporate new clause c) into the original motion.

Resolution number REG/2021/21

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

That the Regulatory Committee:

- a) **appoint independent commissioner David Hill, for the proposed land exchange of 2970m² of land at 25 Barbarich Drive with 19,425m² of land located at 50 Tihi Street in Stonefields to**
- i) **hear submissions in accordance with the requirements of the Reserves Act 1977**
 - ii) **consider all submissions received and make a recommendation based on matters in scope of the requirements of the Reserves Act 1977 for consideration by the Parks, Arts, Community, and Events Committee in their decision-making.**
- b) **delegate authority to the chairperson of the Regulatory Committee to make replacement appointments to the hearing panel in the event that the commissioners are not available.**
- c) **appoint James Whetu as an additional independent commissioner.**

CARRIED

Note: Pursuant to Standing Order 1.8.3, Cr S Henderson requested that his abstention be recorded.

Note: Pursuant to Standing Order 1.8.6, the following Councillors requested that their dissenting votes be recorded as follows:

- Cr D Newman
- Cr S Stewart
- Cr P Young

10 **Boarding House Inspection Programme Update**

Resolution number REG/2021/22

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

That the Regulatory Committee:

- a) **receive the update on the proactive Boarding House Inspection Programme.**
- b) **thank the Regulatory compliance staff for their work on the proactive Boarding House Inspection Programme.**

CARRIED

11 Resource Consents Appeals: Status Report 20 April 2021

Resolution number REG/2021/23

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

That the Regulatory Committee:

- a) **receive the Resource Consents Appeals: Status Report 20 April 2021.**

CARRIED

12 Summary of Regulatory Committee Information - updates, memos and briefings - 20 April 2021

Resolution number REG/2021/24

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

That the Regulatory Committee:

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

CARRIED

Meeting adjourned at 11.41am and reconvened 11.48am

Cr S Henderson and IMSB Chair D Taipari were not present.

13 Objection to stormwater works at 104 Union Road, Howick

Cr S Henderson returned to the meeting at 11.49am

Healthy Waters provided a presentation in support of the item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

The hearing commenced 11.48am in relation to the objection by the owners of 104 Union Road, Howick, 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.

Sharly Hu, owner 12.01pm 104 Union Road, Howick was in attendance and spoke to their 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 12.19am.

Attachments

- A 21 April 2021, Regulatory Committee: Item 13 - Objection to stormwater works at 104 Union Road, Howick

14 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

Public Excluded

Resolution number REG/2021/25

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

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:

13 **Objection to stormwater works at 104 Union Road, Howick**

| 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. |

CARRIED

12.20pm The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and will be publicly available in the open minutes.

12.30pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

Objection to stormwater works at 104 Union Road, Howick

Resolution number REG/2021/26

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

That the Regulatory Committee:

- a) hear and determine the objections by the owner of 104 Union Road according to clause 1(e) of Schedule 12 of the Local Government Act 2002
- b) resolve that the council proceed with the extension of the public stormwater network from 104 Union Road to connect 24 Andrew Road (as shown in Attachment A to 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.

Reason for decision

The option of extending the existing public network from 104 Union Road to 24 Andrew Road is considered the best practical option by Healthy Waters engineers as it is the most direct route, least costly, lowest construction risk, and causes minor disruption to the objectors property which is currently a construction site. Alternative options either did not meet the Stormwater Code of Practice or were less direct, more costly and had greater constructability constraints and risks. Healthy Waters confirmed that the works would not adversely affect the retaining wall on the objector's property and that stormwater detention tanks required to be removed for the works to occur will be reinstated. Healthy Waters have confirmed that the site will be reinstated to the condition it was in prior to works commencing.

12.30pm

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:.....