
Komiti mō te Waeture me te Haumarū ā-Hapori / Regulatory and Community Safety Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory and Community Safety Committee held in the Room 1, Level 26, 135 Albert Street, Auckland on Tuesday, 4 June 2024 at 10.04am. A recording of the meeting is available here: <https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/meetings-council-bodies/Pages/webcasts-council-meetings.aspx>

TE HUNGA KUA TAE MAI | PRESENT

Chairperson	Cr Josephine Bartley	
Deputy Chairperson	Cr Ken Turner	
Members	Houkura Member Edward Ashby	
	Member Ngarimu Blair	Via electronic link until 1.20pm, Item 14
	Mayor Wayne Brown (Ex-officio)	From 12.28pm, Item 10 until 1.52, Item 14.
	Cr Julie Fairey	
	Cr Alf Filipaina, MNZM	Via electronic link until 1.52pm, Item 14.
	Cr Mike Lee	From 10.05am, Item 1.
	Cr Kerrin Leoni	Until 1.52, Item 14.
	Cr Sharon Stewart, QSM	Via electronic link

TE HUNGA ĀPITI KUA TAE MAI | ALSO PRESENT

Cr A Dalton	Via electronic link
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1 Ngā Tamōtanga | Apologies

There were no apologies.

Cr M Lee entered the meeting at 10.05am

2 Te Whakapuaki i te Whai Pānga | Declaration of Interest

There were no declarations of interest.

3 Te Whakaū i ngā Āmiki | Confirmation of Minutes

Resolution number RSCCC/2024/31

MOVED by Chairperson J Bartley, seconded by Deputy Chairperson K Turner:

That the Regulatory and Community Safety Committee:

- a) **whakaū / confirm the ordinary minutes of its meeting, held on [Tuesday, 9 April 2024](#), including the confidential section, as a true and correct record.**

CARRIED

4 Ngā Petihana | Petitions

There were no petitions.

5 Ngā Kōrero a te Marea | Public Input

5.1 Public Input: Heart of the City and City Centre Residence Group - Public Safety and Nuisance By-law

Resolution number RSCCC/2024/32

MOVED by Cr M Lee, seconded by Chairperson J Bartley:

That the Regulatory and Community Safety Committee:

- a) **whiwhi / receive the Public Input from Heart of the City and City Centre Residence Group regarding the Public Safety and Nuisance By-law and whakamihi / thank them for their attendance.**

CARRIED

6 Ngā Kōrero a te Poari ā-Rohe Pātata | Local Board Input

6.1 Local Board Input: Alexandra Bonham - Waitamata Local Board - Proactive Boarding House Inspection Programme

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

Resolution number RSCCC/2024/33

MOVED by Chairperson J Bartley, seconded by Cr K Leoni:

That the Regulatory and Community Safety Committee:

- a) **whiwhi / receive the Local Board Input from Waitamata Local Board regarding the Proactive Boarding House Inspection Programme and whakamihi / thank them for their attendance.**

CARRIED

Attachments

- A 4 June 2024, Regulatory and Community Safety Committee, Item 6.1: Local Board Input: Alexandra Bonham - Waitamata Local Board - Proactive Boarding House Inspection Programme, presentation

7 Ngā Pakihi Autaia | Extraordinary Business

There was no extraordinary business.

8 The Realities and the Needs of People without a Home in Central Auckland. . . and How we Might Best Respond

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

Resolution number RSCCC/2024/34

MOVED by Chairperson J Bartley, seconded by Cr J Fairey:

That the Regulatory and Community Safety Committee:

- a) **whakamihi / thank Helen Robinson and Jacqui Dillon for their presentation.**

CARRIED

9 Council homelessness work programme update

Resolution number RSCCC/2024/35

MOVED by Chairperson J Bartley, seconded by Deputy Chairperson K Turner:

That the Regulatory and Community Safety Committee:

- a) **whiwhi / receive the memo.**

CARRIED

Meeting adjourned at 12.16pm and reconvened at 12.28pm

Cr Leoni left the room and joined the meeting via electronic link.
Cr J Fairey and Cr M Lee were not present.

10 Proactive Boarding House Inspection Programme

*Mayor W Brown entered the meeting at 12.28pm
Cr J Fairey returned to the meeting at 12.30pm
Cr M Lee returned to the meeting at 12.32pm*

Resolution number RSCCC/2024/36

MOVED by Chairperson J Bartley, seconded by Mayor W Brown:

That the Regulatory and Community Safety Committee:

- a) **whiwhi / receive the report on the Proactive Boarding House Inspection Programme.**

CARRIED

11 Resource Consent Appeals: Status Report 4 June 2024

Resolution number RSCCC/2024/37

MOVED by Chairperson J Bartley, seconded by Deputy Chairperson K Turner:

That the Regulatory and Community Safety Committee:

- a) **whiwhi / receive the Resource Consents Appeals: Status Report 4 June 2024.**

CARRIED

12 Status Update on Action Decisions from Regulatory and Community Safety Committee 9 April 2024

Resolution number RSCCC/2024/38

MOVED by Chairperson J Bartley, seconded by Mayor W Brown:

That the Regulatory and Community Safety Committee:

- a) **tuhi ā-taipitopito / note the status of decisions made at the 9 April 2024 meeting.**

CARRIED

13 Summary of Regulatory and Community Safety Committee information memoranda, workshops, and briefings (including the Forward Work Programme) - 4 June 2024

Resolution number RSCCC/2024/39

MOVED by Chairperson J Bartley, seconded by Mayor W Brown:

That the Regulatory and Community Safety Committee:

- a) **whiwhi / receive the Summary of Regulatory and Community Safety Committee information memoranda and briefings – 4 June 2024**
- b) **tuhi ā-taipitopito / note the progress on the forward work programme appended as Attachment A of the agenda report.**

CARRIED

14 **Objection to wastewater works at 339 and 341 West Tamaki Road**

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

A copy of the tabled documents have been placed on the official minutes and are available on the Auckland Council website as a minutes attachment.

Member Blair retired from the meeting at 1.20pm

The hearing commenced at 1:01pm in relation to the objection to proposed wastewater works at 339 and 341 West Tamaki Road.

Council staff addressed the committee and outlined the proposed wastewater works and responded to questions. The council has determined that the works constitute necessary public stormwater improvements. The council has issued a notice under section 181(2) of the Local Government Act 2002, informing the landowners of its intention to construct the works as a council project.

The objectors addressed the committee and outlined their objection to proposed wastewater works at 339 and 341 West Tamaki Road.

Council staff were given the opportunity to reply to the matters raised by the objectors and provide the committee with final comments.

The hearing concluded at 1.50pm.

Attachments

- A 4 June 2024, Regulatory and Community Safety Committee, Item 14: Objection to wastewater works at 339 and 341 West Tamaki Road, presentation
- B 4 June 2024, Regulatory and Community Safety Committee, Item 14: Objection to wastewater works at 339 and 341 West Tamaki Road, Facilitation Meeting Minutes 08.11.2023
- C 4 June 2024, Regulatory and Community Safety Committee, Item 14: Objection to wastewater works at 339 and 341 West Tamaki Road, Facilitation log - 331 West Tamaki
- D 4 June 2024, Regulatory and Community Safety Committee, Item 14: Objection to wastewater works at 339 and 341 West Tamaki Road, Renewal of EPA / Extension Letter

15 **Te Whakaaro ki ngā Take Pūtea e Autaia ana | Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

Public Excluded

Resolution number RSCCC/2024/40

MOVED by Chairperson J Bartley, seconded by Cr J Fairey:

That the Regulatory and Community Safety Committee:

- a) **whakaae / agree to 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:

14 Objection to wastewater works at 339 and 341 West Tamaki Road

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. 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.	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

1.51pm 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.

2.04pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

14 Objection to wastewater works at 339 and 341 West Tamaki Road

Resolution number RSCCC/2024/41

MOVED by Deputy Chairperson K Turner, seconded by Cr J Fairey:

That the Regulatory and Community Safety Committee:

- a) hear and determine the objections by the owners of 339 and 341 West Tamaki Road, according to clause 1(e) of Schedule 12 of the Local Government Act 2002.
- b) whakaae / agree resolve that the council will proceed with the extension of the public wastewater network from 331 West Tamaki Road via 339 and 341 West Tamaki Road as shown in Attachment A – approved engineering plans, according to clause 1(e) of Schedule 12 of the Local Government Act 2002.

Restatement

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

Reason for decision

The Committee is satisfied that wastewater drainage is necessary to service the consented development and that option one is the most appropriate option for the reasons set out in the agenda report, including that it will result in minimal impact to the shared driveway owned by 339 West Tamaki Road and also serving 331 and 341 West Tamaki Road and has less construction risk than other options. Council's preference is to avoid drainage options which involve pumping and rely on gravity systems where possible and this is achieved under option one.

The owners of 341 West Tamaki Road consider that s181 of the Local Government Act 2002 cannot be used to provide drainage for a single developer for a single house. However, nothing in s181 requires that drainage works must be to serve multiple developers and buildings. That interpretation would mean developers of single lots would not be able to have their lots serviced despite having development rights or consents to developed and that cannot have been the intention of Parliament when drafting s181.

The owners of 339 West Tamaki Road stated at the hearing that they support option one but are concerned that it will create additional pedestrian rights for the development site on the shared driveway they partly own. That is not a matter relevant to the Committee's consideration of whether the drain is necessary for sewage drainage under section 181 of the Local Government Act 2002. However, the Committee notes that the construction of public drainage does not create a pedestrian right for a development site, only a right of access for the Local Authority to inspect, alter, renew, repair, or clean the public drain as per section 181(4).

2.04 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 AND
COMMUNITY SAFETY COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....