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# Te Komiti mō te Waeture me te Haumaru / Regulatory and Safety Committee

## OPEN MINUTES

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Minutes of a meeting of the Regulatory and Safety Committee held in the Room 1, Level 26, Te Wharau o Tāmaki - Auckland House, 135 Albert Street, Auckland on Tuesday, 4 February 2025 at 10.01am. 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>

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### TE HUNGA KUA TAE MAI | PRESENT

<b>Deputy Chairperson</b>	Cr Lotu Fuli	Presiding
<b>Members</b>	Houkura Member Edward Ashby Cr Alf Filipaina, MNZM Cr Kerrin Leoni Cr Sharon Stewart, QSM	From 10.02am, Item 1
<b>Ex-officio</b>	Deputy Mayor Desley Simpson, JP	Until 10.43am, Item 11

### TE HUNGA KĀORE I TAE MAI | ABSENT

<b>Chairperson</b>	Cr Josephine Bartley
<b>Members</b>	Houkura Member Ngarimu Blair Cr Julie Fairey Cr Mike Lee

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## 1 Ngā Tamōtanga | Apologies

*Cr K Leoni joined the meeting at 10.02am.*

Resolution number RSCCC/2025/1

MOVED by Deputy Chairperson L Fuli, seconded by Cr A Filipaina:

**That the Regulatory and Safety Committee:**

a) **whakaae / accept the apologies from:**

**Absence**

**Chair Josephine Bartley**

**Cr Julie Fairey**

**Cr Mike Lee**

**Member Ngarimu Blair**

**Early Departure**

**Deputy Mayor Desley Simpson**

**CARRIED**

## 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/2025/2

MOVED by Deputy Chairperson L Fuli, seconded by Cr K Leoni:

**That the Regulatory and Safety Committee:**

a) **whakaū / confirm the ordinary minutes of its meeting, held on [Tuesday, 3 December 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

There was no public input.

## Te Mihi | Acknowledgement

Cr Filipaina acknowledges Craig Hobbs' mahi as the Regulatory Director and Lead Officer for the Regulatory and Community Safety Committee earlier in this term and wishes him well at the Waikato Council.

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

There was no local board input.

**7 Ngā Pakihi Autaia | Extraordinary Business**

There was no extraordinary business.

**8 Status update on action decisions from Regulatory and Safety Committee 3 December 2024**

Resolution number RSCCC/2025/3

MOVED by Deputy Chairperson L Fuli, seconded by Cr K Leoni:

**That the Regulatory and Safety Committee:**

- a) **tuhi ā-taipitopito / note the status of decisions made at the 3 December 2024 meeting.**

**CARRIED**

**9 Resource Consents Appeals: Status Report 4 February 2025**

Resolution number RSCCC/2025/4

MOVED by Cr A Filipaina, seconded by Deputy Mayor D Simpson:

**That the Regulatory and Safety Committee:**

- a) **whiwhi / receive the Resource Consents Appeals: Status Report 4 February 2025**

**CARRIED**

**10 Summary of Regulatory and Safety Committee information memoranda, workshops, and briefings (including the Forward Work Programme) - 4 February 2025**

Note: changes were made to the original motion, adding new clauses c), with the agreement of the meeting.

Resolution number RSCCC/2025/5

MOVED by Cr A Filipaina, seconded by Deputy Mayor D Simpson:

**That the Regulatory and Safety Committee:**

- a) **whiwhi / receive the Summary of Regulatory and Safety Committee information memoranda, workshops and briefings – 4 February 2025.**
- b) **tuhi ā-taipitopito / note the progress on the Forward Work Programme appended as Attachment A of the agenda report.**
- c) **tono/ request staff provide advice to the committee on bringing forward the sections of the Navigational Bylaw review that relate to removal of discretion for mandatory lifejackets.**

**CARRIED**

## 11 **Objection to stormwater works at 116A Forrest Hill Road**

PowerPoint presentations were given. Copies have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

*Deputy Mayor D Simpson retired from the meeting at 10.43am.*

The hearing commenced at 10.20am in relation to the objection to proposed stormwater works at 116A Forrest Hill Road, Forrest Hill.

Council staff addressed the committee and outlined the proposed stormwater 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 objector / their legal representative addressed the committee and outlined their objection to proposed stormwater works at 116A Forrest Hill Road, Forrest Hill.

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 11:34am.

### **Attachments**

- A 4 February 2025, Regulatory and Safety Committee, Item 11: Objection to stormwater works at 116A Forrest Hill Road - Auckland Council Healthy Waters presentation
- B 4 February 2025, Regulatory and Safety Committee, Item 11: Objection to stormwater works at 116A Forrest Hill Road - objectors presentation

The meeting adjourned at 11.34am and reconvened at 11.41am.

## 12 **Objection to stormwater works at 78 Onewa 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.

The hearing commenced at 11.41am in relation to the objection to proposed stormwater works at 16 Bush View Lane, Northcote.

Council staff addressed the committee and outlined the proposed stormwater 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 objector addressed the committee and outlined their objection to proposed stormwater works at 16 Bush View Lane, Northcote.

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 12.10pm.

### **Attachments**

- A 4 February 2025, Regulatory and Safety Committee, Item 12: Objection to stormwater works at 116A Forrest Hill Road - Auckland Council Healthy Waters presentation

### 13 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/2025/6

MOVED by Deputy Chairperson L Fuli, seconded by Cr K Leoni:

**That the Regulatory and Safety 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:

#### 11 Objection to stormwater works at 116A Forrest Hill 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.

#### 12 Objection to stormwater works at 78 Onewa 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**

12.12pm 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.

12.38pm The public was re-admitted.

## RESTATEMENTS:

It was resolved while the public was excluded:

### 11 Objection to stormwater works at 116A Forrest Hill Road

That the Regulatory and Safety Committee:

- a) hear and determine the objections by the owner of 116A Forrest Hill Road according to clause 1(e) of Schedule 12 of the Local Government Act 2002
- b) whakatau / resolve that the council will proceed with the extension of the public stormwater network from 116A Forrest Hill Road (as detailed in Attachment A – approved engineering plans), according to clause 1(e)(ii) 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 Objector raised concerns regarding the ability to construct the works in the small space between the Objector's deck and boundary trees and that section 181 does not authorise the removal of the Objector's deck. The Objector also provided evidence that suggests only 2 dwellings could be served by the existing infrastructure and that additional units will result in flooding of their property. Issues were also raised regarding alleged errors in the business case/assessment of alternatives.

Heathy Waters provided consultant and staff engineering evidence that the works could be undertaken without the need to remove the Objector's deck. The works proposed do not include removal of the deck. If the deck is damaged, Healthy Waters indicated it would remediate the deck, which would be replacement rather than patching any damage. The engineering evidence also confirm capacity in the network to serve the proposed development at a 1 in 10 year flood event, which is Council's standard service level.

The Objector raised alleged defects in the Council's statutory notice under Schedule 12 of the LGA. While the notice referred to there being an existing 1050mm inspection chamber on the Objector's property based on Council's GIS records, the Objector stated this was incorrect and this was confirmed by a site visit. The existing structure is in fact a non-access chamber. The Objector also claimed that the beneficiary of an easement for services also required service of the s181 notice.

Clause 1(e)(ii) of Schedule 12 of the LGA allows a territorial authority to determine to proceed with the works proposed, with or without any alteration that the territorial authority thinks fit. Healthy Waters proposed to amend the works in response to the Objector's submission to replace the under-size manhole, rather than start the statutory process again. The Committee considers the proposed drainage works are necessary to serve the proposed development and that option 1 is the preferred option for servicing for the reasons given in agenda report. The Committee agreed with the position of Healthy Waters that the beneficiary of an easement is not an owner or occupier of the land such that they required service of the s181 notice.

For the reasons given above, the Committee resolves to proceed with option 1 with the necessary amendment to replace the non-inspection chamber with a 1050mm inspection chamber.

## 12 Objection to stormwater works at 78 Onewa Road

That the Regulatory and Safety Committee:

- a) hear and determine the objections by the owners of 16 Bush View Lane according to clause 1(e) of Schedule 12 of the Local Government Act 2002.
- b) whakatau / resolve that Auckland Council will proceed with the extension of the public stormwater network from 78 Onewa 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

Objections in relation to this matter were heard and determined by the Committee on 3 December 2024. Unfortunately, one objection was missed by staff and that objector has the right to be heard on their objection.

Auckland Council's Healthy Waters department explained the options to serve the new development at 78 Onewa Road. Option 1 was considered most suitable as it was more direct route, created less disruption for affected property owners, has lower construction risks and provided easy access for future maintenance compared to option 2. Option 3 was the most direct route but involved pumping uphill which is not supported and is a last resort where gravity flow options are not available.

The Objector raised issues concerning consultation on the project, driveway access during works, and constraints with the existing drainage resulting in overflows and back-flows.

Engineering advice on behalf of Healthy Waters confirmed that public stormwater pipes are design to handle 1 in 10 year flood events, not all rainfall events. The network has capacity to take the additional connections within that operating parameters and retention tanks are part of the development proposal. Healthy Water's contractors are used to working on projects where access is required to be maintain or provided at short notice and this can be addressed as part of the construction works plan. The Objector did not provide any evidence that the drain works were not necessary to serve the proposed development.

The Committee considers that the drain works are necessary and determines that Auckland Council will proceed with the works as proposed in option 1.



12.38 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  
SAFETY COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....