
Regulatory Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory Committee held in the Room 1, Level 26, 135 Albert St, Auckland on Thursday, 1 December 2016 at 9.30am.

PRESENT

Chairperson	Cr Linda Cooper, JP
Deputy Chairperson	Cr Wayne Walker
Members	Cr Richard Hills
	Cr Daniel Newman, JP
	IMSB Member Liane Ngamane
	Cr Dick Quax
	Cr Sharon Stewart, QSM
	IMSB Member Glenn Wilcox
	Cr John Watson

ABSENT

Cr Fa'anana Efeso Collins
Hon Mayor Phil Goff (Ex-officio)
Member David Taipari
Deputy Mayor Bill Cashmore (Ex-officio)

ALSO PRESENT

Cr Cathy Casey
Cr Denise Lee

From 10.18, part item 10

1 Apologies

Resolution number REG/2016/1

MOVED by Chairperson L Cooper, seconded by IMSB Member G Wilcox:

That the Regulatory Committee:

- a) **accept the apologies from Cr E Collins, Mayor P Goff and Member D Taipari for absence.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

There are no minutes to confirm.

4 Petitions

There were no petitions.

5 Public Input

There was no public input.

6 Local Board Input

There were none.

7 Extraordinary Business

There was no extraordinary business.

8 Notices of Motion

There were no notices of motion.

9 Regulatory Committee 2016-2019

The chair gave an overview of the Regulatory Committee and tabled a copy of her report. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number REG/2016/2

MOVED by Chairperson L Cooper, seconded by Deputy Chairperson W Walker:

That the Regulatory Committee:

- a) **receive the chairperson's report regarding the scope of work for the Regulatory Committee.**

CARRIED

Attachments

A 1 December 2016 – Regulatory Committee – Item 9 Regulatory Committee 2016-2019

10 Consenting Made Easy (CME) change programme - Overview

Staff provided a presentation in support of the report. A copy has been placed on the official minutes and available on the Auckland Council website as a minutes attachment.

Deputy Chairperson W Walker left the meeting at 10.33 am.

Deputy Chairperson W Walker returned to the meeting at 10.38 am.

Resolution number REG/2016/3

MOVED by Cr D Quax, seconded by IMSB Member L Ngamane:

That the Regulatory Committee:

- a) note the progress on the Consenting Made Easy programme of work.
- b) agree that progress on the Consenting Made Easy programme be reported quarterly to the committee.

CARRIED

Attachments

- A 1 December 2016 - Regulatory Committee - Item 10 Consenting Easy change programme - Overview presentation

11 Customer Enabled Compliance update

Staff provided a presentation in support of the report. A copy has placed on the official minutes and available on the Auckland Council website as a minutes attachment.

Resolution number REG/2016/4

MOVED by Cr J Watson, seconded by IMSB Member G Wilcox:

That the Regulatory Committee:

- a) note the Customer Enabled Compliance (CEC) programme and its progress to date.
- b) agree that progress on the Customer Enabled Compliance programme be reported quarterly to the committee.

CARRIED

Attachments

- A 1 December 2016 - Regulatory Committee - Item 11 Customer Enabled Compliance update presentation

12 Noting the urgent decisions of 14 October 2016 to appoint independent commissioners

Resolution number REG/2016/5

MOVED by Cr D Newman, seconded by IMSB Member L Ngamane:

That the Regulatory Committee:

- a) note the appointment decision made on 14 October 2016 relating to the application for a proposed development at 198-202 and 214-222 Dominion Road and 113 and 117 Valley Road, Mount Eden.
- b) note the appointment decision made on 14 October 2016 relating to the application for resource consents under section 104 of the Resource Management Act 1991 (RMA) and any changes in respect of the outline plans under section 176A of the RMA for the Warkworth and Snells Beach/Algies Bay Wastewater Treatment Plan (WWPT) Reconsenting Project.

CARRIED

13 Consideration of Extraordinary Items

There were no extraordinary items.

14 Procedural motion to exclude the public

Resolution number REG/2016/6

MOVED by Chairperson L Cooper, seconded by Cr R Hills:

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 Resource Consent Appeals: Status Report 1 December 2016

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 report contains information that could compromise the council in undertaking without prejudice negotiations of these appeals that are before the Environment Court.</p>	<p>s48(1)(a)</p> <p>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>

C2 New resource consent appeal: McDowell and Others v Auckland Council - Proposed Auckland International College boarding facility at 37 Heaphy Street, Blockhouse Bay

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 report contains information relating to an Environment Court appeal and</p>	<p>s48(1)(a)</p> <p>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>

	the disclosure of information may prejudice the council's position in regards to negotiations and the potential settlement of the appeal.	
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C3 Update on Resource Consent Appeal: Ahuareka Trustees (No. 2) Limited v Auckland Council

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 report contains confidential and legally privileged information regarding Council's position on this appeal.</p>	<p>s48(1)(a)</p> <p>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>

C4 Noting the urgent decision of 14 October 2016: Kvest Investments Partners Groups v Auckland Council

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 report contains information that could compromise the council in undertaking without prejudice negotiations of this appeal that is before the Environment Court.</p>	<p>s48(1)(a)</p> <p>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>

C5 Noting the urgent decisions of 10 November 2016 - Resource Consent Appeal: Pierau v Auckland Council - 186 Atkins Road, Tomarata, Rodney (ENV-2016 AKL-174) and Resource Consent Appeal: Butterbee Childcare Ltd v Auckland Council - 159 Victoria Road, Devonport (ENV-2016 AKL-182)

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	s7(2)(i) - The withholding of the	s48(1)(a)

the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). In particular, the report contains information that could compromise the council in undertaking without prejudice negotiations of this appeal that is before the Environment Court.	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.
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The text of these resolutions was made available to the public who were present at the meeting and formed part of the minutes of the meeting.

CARRIED

11.34am 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.

12.01pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Resource Consent Appeals: Status Report 1 December 2016

Resolution number REG/2016/7

MOVED by Chairperson L Cooper, seconded by IMSB Member L Ngamane:

That the Regulatory Committee:

- b) agree that the report and attachments remain confidential, but agree that the list and description of current appeals as of 17 November 2016, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

C2 New resource consent appeal: McDowell and Others v Auckland Council - Proposed Auckland International College boarding facility at 37 Heaphy Street, Blockhouse Bay

Resolution number REG/2016/8

MOVED by Chairperson L Cooper, seconded by Deputy Chairperson W Walker:

That the Regulatory Committee:

- b) agree that the decisions and report regarding 'New resource consent appeal: McDowell and Others v Auckland Council - Proposed Auckland International College boarding facility at 37 Heaphy Street, Blockhouse Bay' not be restated in the open section of the minutes.

C3 Update on Resource Consent Appeal: Ahuareka Trustees (No. 2) Limited v Auckland Council

Resolution number REG/2016/9

MOVED by Chairperson L Cooper, seconded by Deputy Chairperson W Walker:

That the Regulatory Committee:

- c) agree that the report and the resolutions remain confidential.

C4 Noting the urgent decision of 14 October 2016: Kvest Investments Partners Groups v Auckland Council

Resolution number REG/2016/10

MOVED by Deputy Chairperson W Walker, seconded by IMSB Member G Wilcox:

That the Regulatory Committee:

- b) agree that the "Noting the urgent decision of 14 October 2016: Kvest Investments Partners Group v Auckland Council" report, decisions and attachments not be re-stated in the open section of the minutes.

C5 Noting the urgent decisions of 10 November 2016 - Resource Consent Appeal: Pierau v Auckland Council - 186 Atkins Road, Tomarata, Rodney (ENV-2016 AKL-174) and Resource Consent Appeal: Butterbee Childcare Ltd v Auckland Council - 159 Victoria Road, Devonport (ENV-2016 AKL-182)

Resolution number REG/2016/11

MOVED by Chairperson L Cooper, seconded by IMSB Member G Wilcox:

That the Regulatory Committee:

- b) agree that the decisions, report and attachments regarding 'Noting the urgent decisions of 10 November 2016: Pierau v Auckland Council - 186 Atkins Road, Tomarata, Rodney (ENV-2016 AKL-174) and Butterbee Childcare Ltd v Auckland Council - 159 Victoria Road, Devonport (ENV-2016 AKL-182),' not be re-stated in the open section of the minutes

12.01 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:.....