

# Memo

11 April 2018

To: Members of the Regulatory Committee  
cc: Penny Pirrit – Director, Regulatory Services  
From: Councillor Cooper – Chair Regulatory Committee

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**Subject: Annual Review of Regulatory Committee Policy**

## **Executive Summary:**

The Regulatory Committee adopted a policy at its meeting of 12 April 2018. The policy covers the Committee's operation and sub-delegations for the decision making responsibilities within the areas of its responsibilities. The policy at Clause 11.1 states;

*“The Regulatory Committee will review this policy annually, and more frequently at its discretion.”*

Following a quick overview and guidance from the General Managers of the Regulatory Division, I have been advised that there would be limited value in reviewing the policy at this time, primarily due to the expected outcomes being realised and that it is a relatively new document.

The purpose of this memorandum is to seek your acceptance that the policy does not need to be reviewed or considered further by the Committee at this time.

## **Policy Background:**

It has been a year since the Regulatory Committee adopted its policy. This primarily up-dated the Hearings Committee Policy from the previous two terms of council acknowledging the Committee's expanded responsibilities and increased staff delegation in some areas. Otherwise for many of the responsibility areas, I have been advised that staff administration has continued with minimal change.

The Regulatory Committee's responsibilities in brief cover regulatory hearings, regulatory policy and bylaws, which include decisions under the Resource Management Act 1991 (consents, plan changes and appeals), Dog Control Act 1996 (objections), Sale and Supply of Alcohol Act 2012, Local Government Acts 1974 (drainage works on private land), and the Reserves Act 1977 (public reserves).

The Regulatory Committee either assigns the decision maker(s) for these hearings or delegates this assignment power to staff. It can otherwise hear and determine matters itself as has occurred with dog control hearings and drainage hearings under the Local Government Act that cannot be delegated.

The policy therefore provides an efficient, open and transparent framework for the decision-making processes for which the Regulatory Committee is responsible. It further guides the practice for staff to carry out their sub-delegations, for example appointing appropriate independent commissioners for resource consent hearings and reporting back to the Committee.

**Comments:**

I have been advised that no known issues have arisen at a staff level in regards to the operation of the policy. The policy provides detailed staff guidance on matters such as the determination of hearing commissioners and how those commissioners shall conduct such hearings. In brief the enactment of the policy has been instrumental in the following areas.

- i) The policy guidance for the appointment of commissioners to lists for the separate areas of resource management and the sale and supply of alcohol is viewed as being sound. All followed the public expression of interest process, involvement of IMSB and determination of the lists by the Committee, with these commissioners now contracted for three years.
- ii) Staff systems, directly aligned to the policy, are in place for the selection of commissioners to hearings.
- iii) A system as required by the policy has been established for consultation with the Independent Maori Statutory Board where a matter covers areas of significance to Māori. Additionally IMSB are copied in to all resource consent hearing commissioner assignments.
- iv) Accredited Local Board members are provide opportunities, although limited, to sit as RMA hearing commissioners for particular hearings as set out in the policy.
- v) The Committee has been keep actively informed with all proposed bylaw review and development.
- vi) Staff are not aware of any conflicts of interest or matters arising from the commissioners conduct of hearings nor reasons to vary the policy within this area.
- vii) The reporting back to the Committee on the staff assignments of hearing commissioners and the outcomes of those hearings are established on a three monthly basis. No matters have been raised from the first three of these reports. The status of consent appeals are also reported monthly.

**Summary and Recommendation:**

Nothing unusual or unforeseen has arisen over the first year that necessitates a review of the Regulatory Committee Policy at this time. Although the one year review period is short, I have been advised that administrative processes have been introduced quickly by staff in all areas to meet the policy's expectations.

The enactment of the policy by staff and independent commissioners shows the in-depth understanding of the policy expectations and the means to ensure the Committee maintains its strategic overview of its responsibilities. I therefore seek your acceptance of a recommendation that no annual review for the Regulatory Committee Policy is required for the 2018 year.

Councillor Linda Cooper

Chair - Regulatory Committee

Attached: Regulatory Committee Policy