I hereby give notice that an ordinary meeting of the Regulatory Committee will be held on:

**Date:** Thursday, 9 August 2018  
**Time:** 9.30am  
**Meeting Room:** Room 1, Level 26  
**Venue:** 135 Albert Street  
Auckland

**Komiti Whakahaere ā-Ture / Regulatory Committee**

**OPEN AGENDA**

**MEMBERSHIP**

Chairperson  
Cr Linda Cooper, JP

Deputy Chairperson  
Cr Bill Cashmore

Members  
Cr Josephine Bartley  
Cr Fa’anana Efeso Collins  
Cr Richard Hills  
Cr Daniel Newman, JP  
Cr Sharon Stewart, QSM  
IMSB Chair David Taipari  
Cr Wayne Walker  
Cr John Watson  
IMSB Member Glenn Wilcox

Ex-officio  
Mayor Hon Phil Goff, CNZM, JP

(Quorum 5 members)

**Tam White**  
Senior Governance Advisor

3 August 2018

Contact Telephone: (09) 890 8156  
Email tam.white@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Terms of Reference

Responsibilities

The committee is responsible for regulatory hearings (required by relevant legislation) on behalf of the council. The committee is responsible for appointing independent commissioners to carry out the council’s functions or delegating the appointment power (as set out in the committee’s policy). The committee is responsible for regulatory policy and bylaws. Where the committee’s powers are recommendatory, the committee or the appointee will provide recommendations to the relevant decision-maker.

The committee’s key responsibilities include:

- decision-making (including through a hearings process) under the Resource Management Act 1991 and related legislation
- hearing and determining objections under the Dog Control Act 1996
- decision-making under the Sale and Supply of Alcohol Act 2012
- hearing and determining matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002 (this cannot be sub-delegated)
- hearing and determining matters arising under bylaws
- receiving recommendations from officers and appointing independent hearings commissioners to a pool of commissioners who will be available to make decisions on matters as directed by the Regulatory Committee
- receiving recommendations from officers and deciding who should make a decision on any particular matter including who should sit as hearings commissioners in any particular hearing
- monitoring the performance of regulatory decision-making
- where decisions are appealed or where the committee decides that the council itself should appeal a decision, directing the conduct of any such appeals
- considering and making recommendations to the Governing Body regarding the regulatory and bylaw delegations (including to Local Boards)
- regulatory fees and charges
- recommend bylaws to Governing Body for consultation and adoption
- appointing hearings panels for bylaw matters
- review local board and Auckland water organisation proposed bylaws and recommend to Governing Body
- set regulatory policy and controls, including performing the delegations made by the Governing Body to the former Regulatory and Bylaws Committee, under resolution GB/2012/157 in relation to dogs and GB/2014/121 in relation to alcohol.
- engage with local boards on bylaw development and review
- adopting or amending a policy or policies and making any necessary sub-delegations relating to any of the above areas of responsibility to provide guidance and transparency to those involved.

Not all decisions under the Resource Management Act 1991 and other enactments require a hearing to be held and the term “decision-making” is used to encompass a range of decision-making processes including through a hearing. "Decision-making" includes, but is not limited to, decisions in relation to applications for resource consent, plan changes, notices of requirement, objections, existing use right certificates and certificates of compliance and also includes all necessary related decision-making.

In adopting a policy or policies and making any sub-delegations, the committee must ensure that it retains oversight of decision-making under the Resource Management Act 1991 and that it provides for councillors to be involved in decision-making in appropriate circumstances.
For the avoidance of doubt, these delegations confirm the existing delegations (contained in the chief executive’s Delegations Register) to hearings commissioners and staff relating to decision-making under the RMA and other enactments mentioned below but limits those delegations by requiring them to be exercised as directed by the Regulatory Committee. Relevant legislation includes but is not limited to:

All Bylaws
Biosecurity Act 1993
Building Act 2004
Dog Control Act 1996
Fencing of Swimming Pools Act 1987
Gambling Act 2003; Land Transport Act 1998
Health Act 1956
Local Government Act 1974
Local Government Act 2002
Local Government (Auckland Council Act) 2009
Resource Management Act 1991
Sale and Supply of Alcohol Act 2012
Waste Minimisation Act 2008
Maritime Transport Act 1994
Related Regulations

Powers
(i) All powers necessary to perform the committee’s responsibilities.

Except:

(a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
(b) where the committee’s responsibility is limited to making a recommendation only.

(ii) Power to establish subcommittees.
Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.
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<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
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<td>Apologies</td>
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<td>2</td>
<td>Declaration of Interest</td>
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<td>11</td>
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<td>10</td>
<td>Regulatory Committee Summary of Information Items 9 August 2018</td>
<td>17</td>
</tr>
<tr>
<td>11</td>
<td>Consideration of Extraordinary Items</td>
<td></td>
</tr>
</tbody>
</table>
1 Apologies
At the close of the agenda no apologies had been received.

2 Declaration of Interest
Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3 Confirmation of Minutes
That the Regulatory Committee:
a) confirm the ordinary minutes of its meeting, held on Thursday, 12 July 2018, as a true and correct record.

4 Petitions
At the close of the agenda no requests to present petitions had been received.

5 Public Input
Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Governance Advisor, in writing, no later than one (1) clear working day prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of thirty (30) minutes is allocated to the period for public input with five (5) minutes speaking time for each speaker.

At the close of the agenda no requests for public input had been received.

6 Local Board Input
Standing Order 6.2 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to five (5) minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give one (1) day’s notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 6.1 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

7 Extraordinary Business
Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-
(i) The reason why the item is not on the agenda; and

(ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting.-

(a) That item may be discussed at that meeting if -

(i) That item is a minor matter relating to the general business of the local authority; and

(ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."
Request to Appoint Hearing Commissioners for Plan Change 12 (Hobsonville Corridor Precinct) to the Auckland Unitary Plan (Operative in Part)

File No.: CP2018/13267

Te take mō te pūrongo / Purpose of the report
1. To request the appointment of Hearing Commissioners to hear submissions and make decisions on Plan Change 12 to the Auckland Unitary Plan (Operative in Part).

Whakarāpopototanga matua / Executive summary
2. Plan Change 12 to the Auckland Unitary Plan (Operative in Part) was publicly notified on 24 May 2018 and submissions closed on 22 June 2018.
3. The plan change seeks to add a new sub-precinct to the operative I603 Hobsonville Corridor precinct in the Auckland Unitary Plan to address urban design and transport issues.
4. The plan change also includes text and diagram changes as well as a small amount of rezoning for the existing precinct. It also includes new stormwater standards and the application of the Stormwater Management Area: Flow 1 control across the precinct.
5. A total of 19 primary submissions have been received to Plan Change 12, including one late submission. The summary of decisions requested was notified on 19 July 2018 and further submissions will close on 2 August 2018.
6. The key themes within the primary submissions relate to urban design, transport and stormwater matters. It is considered appropriate that the hearings panel be made up of up to four commissioners with expertise in these areas.
7. Mana whenua were consulted prior to public notification of Plan Change 12. No mana whenua entities have requested that a hearings commissioner with an understanding of tikanga Māori be appointed for the hearing of this plan change. Nevertheless, the Committee may wish to appoint a commissioner with an understanding of the perspectives of local iwi and hapū to the panel.

Ngā tūtohunga / Recommendation/s
That the Regulatory Committee:

a) appoint an independent commissioner as chair and up to three other commissioners to hear submissions on Plan Change 12 to the Auckland Unitary Plan (Operative in Part);

b) delegate to the Hearing Panel appointed in a) the authority to make decisions on the plan change; and

c) delegate authority to the chairperson of the Regulatory Committee to make replacement appointments to the Hearing Panel in the event that a member of the panel becomes unavailable.

Horopaki / Context
8. On 3 April 2018 the Planning Committee resolved to delegate the approval of Plan Change 12 for notification to Planning Committee Chair, Deputy Chair, Cr J Watson and the Planning Manager Planning North West and Islands (resolution number PLA/2018/38). Consequently, the notification of the plan change was approved on 3 May 2018. The plan change was publicly notified on 24 May 2018 and submissions closed on 22 June 2018.
9. A total of 19 submissions were received during the notification period. Sixteen submitters have asked for their submissions to be heard at a hearing. This report requests the appointment of hearings commissioners to hear these submissions.

Tātaritanga me ngā tohutohu / Analysis and advice

10. Plan change 12 seeks changes to I603 Hobsonville Corridor Precinct in the Auckland Unitary Plan. It expands the existing precinct and adds a new Sub-precinct C on land adjacent to the existing precinct. This sub-precinct addresses urban design and transport issues for this area, which is zoned Light Industry in the Auckland Unitary Plan. The plan change also includes a number of technical changes to the text and diagrams for the existing precinct area.

11. The plan change also proposes a small amount of rezoning, affecting land in both the operative precinct and the new proposed sub-precinct. This rezoning updates zone boundaries to align with ownership and designation boundaries. It also applies the Stormwater Management Area Flow Control-1 (SMAF-1) to the precinct, including to the new proposed sub-precinct.

12. The primary submissions largely relate to urban design, transport and stormwater matters. It is therefore recommended that submissions to Plan Change 12 be heard by a panel of up to four commissioners with expertise in planning, urban design, stormwater and transport.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

13. The Upper Harbour Local Board was engaged during the preparation of this plan change. The local board was briefed in November 2017 when consultation was undertaken on the draft plan change. At that time the Local Board identified the interface between residential properties and development within the light industry zone as a key matter to be addressed.

14. The local board was advised of the public notification of the plan change on 24 May 2018.

15. An update will be given to the local board when notification of further submissions has closed, to inform them of the indicative timeline for the rest of the plan change process.

Tauākī whakaaweawe Māori / Māori impact statement

16. All mana whenua entities with interest in the area were contacted during the consultation period for the draft plan change document in November 2017. A representative from Te Kawerau ā Maki attended a meeting on 27 November 2017 and provided comments in relation to the Rawiri Stream restoration project within plan change area. These comments helped inform the development of the plan change.

17. On 26 January 2018, all mana whenua with an interest in the area were emailed the draft plan change and were invited to a meeting. This excluded iwi who had previously indicated that they did not require engagement about the plan change. A representative from Ngāti Whātua o Kaipara attended a meeting on 8 February 2018 and provided written comments on 14 February 2018. These comments related to the Rawiri Stream environment and the preference for non-deciduous native tree species. These comments helped to inform the draft proposed plan change.

18. All mana whenua entities originally identified to have an interest in the area were sent formal notification of the plan change on 24 May 2018. In addition to inviting submissions, they were asked to indicate whether it was appropriate to have a commissioner on the hearings panel with an understanding of tikanga Māori and the perspectives of local iwi and hapū. Te Rūnanga o Ngāti Whātua deferred their interests in the area to Ngāti Whatua o Kaipara. Responses were not received from any other mana whenua entities. Nevertheless, the Committee may wish to appoint a commissioner with an understanding of the perspectives of local iwi and hapū to the panel.
Ngā ritenga ā-pūtea / Financial implications
19. The cost of Independent Hearing Commissioners can be managed within the existing Democracy Services Department budget.

Ngā raru tūpono / Risks guidance
20. Hearing Commissioners are appointed from the pool of Independent Commissioners due to their professionalism, expertise and experience. A small number of elected members that hold the Good Decision-Making accreditation may also sit as commissioners. These processes, in addition to staff reporting, ensure a high quality of informed decision-making and avoid any procedural or judicial risks.

Ngā koringa ā-muri / Next steps
21. The key next steps involve:
   - contacting the appointed Hearing Commissioners to check their availability
   - notifying submitters of the hearing dates and venue
   - providing submitters with a copy of the hearing report
   - Hearing Commissioners conduct the hearing
   - Council decision released.

Ngā tāpirihanga / Attachments
There are no attachments for this report.

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Lisa Roberts - Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Penny Pirrit - Director Regulatory Services</td>
</tr>
</tbody>
</table>
Freedom Camping Bylaw Development Update

File No.: CP2018/13636

Te take mō te pūrongo / Purpose of the report
1. To provide a presentation updating the development of a bylaw under the Freedom Camping Act 2011.

Whakarāpopototanga matua / Executive summary
2. In August 2017 the Regulatory Committee (the Committee) decided to manage freedom camping by developing a bylaw under the Freedom Camping Act 2011 (the Act) [REG/2017/72].
3. Under the Act, the council can only restrict or prohibit the activity if it is satisfied that it is necessary to:
   - protect the area, and/or
   - protect the health and safety of people who may visit an area, and/or
   - protect access to the area.
4. To determine the content of the bylaw staff have completed over 1000 initial site assessments, held workshops with community stakeholders and all local boards. Local board feedback on approximately 530 sites across Auckland was formalised at their June business meetings.
5. Staff have also been working with Legal Services on the available options to enable freedom camping to occur on land held under the Reserves Act.
6. Staff will provide a presentation to provide an update on the bylaw development and current issues including:
   - Bylaw scope and approach to managing permissive nature of legislation
   - the process and analysis undertaken to inform the site assessments
   - legal implementation issues with restricted sites.

Ngā tūtohunga / Recommendation/s
That the Regulatory Committee:

a) receive the update on the freedom camping bylaw development.

Ngā tāpirihanga / Attachments
There are no attachments for this report.

Ngā kaihaina / Signatories

| Authors | Jillian Roe - Policy Analyst
         | Michael Sinclair - Manager Social Policy and Bylaws |
|---------|-----------------------------------------------------|
| Authorisers | Kataraina Maki - GM - Community & Social Policy |
|           | Penny Pirrit - Director Regulatory Services         |
Te take mō te pūrongo / Purpose of the report

1. To provide an update of all current resource consent appeals lodged with the Environment Court (Attachment A).
2. To note the progress on the forward work programme (Attachment B).
3. To provide a public record of memos, workshops or briefing papers that have been distributed for the Committee’s information since 12 July 2018.

Whakarāpopototanga matua / Executive summary

4. The is a regular information-only report which aims to provide visibility of information circulated to committee members via memo or other means, where no decisions are required.
5. The workshop papers and any previous documents can be found on the Auckland Council website at the following link: http://infocouncil.aucklandcouncil.govt.nz/
   - at the top of the page, select meeting ‘Regulatory Committee’ form the drop-down and click ‘View’;
   - under ‘Attachments’, select either HTML or PDF version of the document entitled ‘Extra Attachments’.
6. The following paper was circulated to members:
   - 20 July 2018 – Freedom Camping Bylaw Development update memo.
7. Note that, unlike an agenda decision report, staff will not be present to answer questions about these items referred to in this summary. Committee members should direct any questions to the authors.

Ngā tūtohunga / Recommendation/s

That the Regulatory Committee:

a) receive the information report.

Ngā tāpirihanga / Attachments

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<td>Region-wide appeals report and register</td>
<td>19</td>
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<tr>
<td>B</td>
<td>Regulatory Committee - Forward Work Programme</td>
<td>33</td>
</tr>
<tr>
<td>C</td>
<td>20180730 Freedom Camping Bylaw Development Update Memo (Under Separate Cover)</td>
<td></td>
</tr>
</tbody>
</table>

Ngā kaihaina / Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Tam White - Senior Governance Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Penny Pirrit - Director Regulatory Services</td>
</tr>
</tbody>
</table>
Resource Consent Appeals: Status Report 9 August 2018

File No.: 

Purpose
1. To provide an update of all current resource consent appeals lodged with the Environment Court.

Executive summary
2. This report provides a summary of current resource consent appeals to which the Auckland Council is a party. It updates our report of 12 July 2018 to the Regulatory Committee.
3. If committee members have detailed questions concerning specific appeals, it would be helpful if they could raise them prior to the meeting with Robert Andrews (phone: 353-9254) or email: robert.andrews@aucklandcouncil.govt.nz) in the first instance.

Recommendation/s
That the Regulatory Committee:


Comments
4. As at 2 August 2018, there are 27 resource consent appeals to which Auckland Council is a party. These are grouped by Local Board Area geographically from north to south as set out in Attachment A. Changes since the last report and new appeals received are shown in bold italic text.
5. The principal specialist planners - resource consents, continue to resolve these appeals expeditiously. In the period since preparing the previous status report, there have been three new appeals and six appeals resolved.
6. The appellant Waharau Trust, is a submitter opposing the grant of consent to an application that seeks to establish and operate a large mussel farm in the western Firth of Thames. The appellant primarily seeks revised conditions that better address concerns around water quality and marine ecology effects, visual amenity and effects on recreational opportunities.
7. The Cadwallader appeal relates to the refusal of consent to relocate an existing and construct two new dwellings, and then subdivide around these dwelling within the National Grid Corridor Overlay. Transpower is a party to the appeal.
8. The appeal from the Trustees of Forest Trust and Successors is against the hearing decision on a section 357 objection to conditions and costs relating to a subdivision of land at 199 Anzac Valley Road Waitakere.

Local board views and implications
9. Not applicable.

Māori impact statement
10. The decision requested of the Regulatory Committee is to receive this progress report rather than to decide each appeal.
11. The Resource Management Act 1991 includes a number of matters under Part 2, which relate to the relationship of Tangata Whenua to the management of air, land and
water resources. Maori values associated with the land, air and freshwater bodies of
the Auckland Region are based on whakapapa and stem from the long social,
economic and cultural associations and experiences with such taonga.

Implementation
12. Environment Court appeal hearings can generate significant costs in terms of
commissioning legal counsel and expert witnesses and informal mediation and
negotiation processes seek to limit these costs. Although it can have budget
implications, it is important that Auckland Council, when necessary, ensure that
resource consents maintain appropriate environmental outcomes and remain
consistent with the statutory plan policy framework through the appeal process.

Attachments

<table>
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<tr>
<th>No.</th>
<th>Title</th>
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<tr>
<td>A</td>
<td>Current Resource Consent Appeals as at 2 August 2018</td>
</tr>
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Signatories

<table>
<thead>
<tr>
<th>Authors</th>
<th>Robert Andrews - Resolutions Team Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Ian Smallburn - General Manager Resource Consents</td>
</tr>
<tr>
<td></td>
<td>Penny Pirrit - Director Regulatory Services</td>
</tr>
</tbody>
</table>
### Attachment A: Regulatory Committee Summary of Information Items 9 August 2018

#### RODNEY – Local Board Area (5 APPEALS)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Sharley Haddon</th>
<th>Received</th>
<th>18 June 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2018-AKL-000118 Haddon v Auckland Council - BUN20440131</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site address</td>
<td>488 Rahukiri Rd &amp; 1294 Pakiri Rd, Pakiri.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other parties</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>An appeal to the refusal of subdivision that seeks to protect 3.01ha of wetland (including buffer) at 488 Rahukiri in return for a subsequent subdivision entitlement. The applicant is proposing a combination of one in-situ lot at 488 Rahukiri as well as the transfer of one lot to the site at 1294 Pakiri Road.</td>
<td></td>
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<tr>
<td>Iwi comments</td>
<td>none</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status</td>
<td>Court assisted mediation is set down for the 12th of July. <strong>Mediation agreement reached. Appeal can be resolved when the conditions of the agreement are met, which may take approximately 6 months.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Kumeu Baptist Church</th>
<th>Received</th>
<th>11 June 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2018-AKL-000101 Kumeu Baptist Church v Auckland Council - BUN60069525</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site address</td>
<td>68 Old Railway Road, Kumeu</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other parties</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Applicant appeal to the conditions of a consent that permits construction of a new church complex, including an auditorium, hall area, gymnasium, caretakers dwelling and school. The maximum occupancy of the church is to be 360 people, with a maximum occupancy of the school to be 200 pupils and 10 teachers. Wedding receptions, seminars and functions associated with the church and school will occur. Earthworks of approximately 9,500m³, and 3,344m³.</td>
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</tr>
<tr>
<td>Iwi comments</td>
<td>Cultural values assessment prepared</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status</td>
<td>Appeal relates to conditions only. Court assisted mediation pending. <strong>Court assisted mediation taking place on 2 August 2018.</strong></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Rahopara Farms Ltd and Cabra Rural Developments Ltd</th>
<th>Received</th>
<th>12 December 2017</th>
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</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2017-AKL-000182 Rahopara Farms Ltd and Cabra Rural Developments Ltd v Auckland Council - BUN60069542</td>
<td></td>
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<tr>
<td>Site address</td>
<td>1502 Weraunui Road &amp; 909 Haruru Road, Wainui.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other parties</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>The appeal relates to refusal of the consents applied for to undertake a four stage 31 lot rural residential subdivision and lot relocation at 1502 Weraunui Road and 909 Haruru Road, Wainui.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iwi comments</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status</td>
<td>Court assisted mediation is set down for the 24th of July. <strong>Proceeding to Environment Court hearing in late 2018, prior to the resolution of the High Court appeal with respect to the Environment Court decision relating to the Rural Subdivision provisions of the AUP OP. Confirmation of whether mediation is required is still pending.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 September 2018
### Item 10

<table>
<thead>
<tr>
<th>Appellant</th>
<th>InfoTech Accountants Ltd</th>
<th>Received</th>
<th>27 March 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2018-AKL-000**&lt;sup&gt;**&lt;/sup&gt; Council - BUN60066984, LUC60066985 and DIS60066986</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>782 Haruru Road, Wainui.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>Coombidges, Lathams &amp; Estate of G Edwards</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal to conditions of a consent to establish and operate a two staged cleanfill up to a maximum of 125,000m3 of imported fill and undertake associated earthworks and site works. The two cleanfill sites will total 2.9ha comprising Area A of 1.3ha and Area B of approximately 1.6ha.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>No cultural values assessments prepared</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Agreement reached in relation to all conditions as of 2 July 2018. <em>Consent Order issued by the Court on 9&lt;sup&gt;th&lt;/sup&gt; of July 2018 and revised decision to be issued. Appeal otherwise resolved.</em></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Albert Road Investments Limited</th>
<th>Received</th>
<th>7 June 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2017-AKL-00075 Council – SUB60069647</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>102 Hudson Road, Warkworth.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal by the applicant against council’s decision to refuse to allow subdivision of a 2800m² lot around the existing dwelling on site from the balanced land of 1.315ha at 102 Hudson Road, Warkworth.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>No cultural values assessments prepared with the application that was processed on a non-notified basis.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Court has issued an evidence timetable: appellant evidence 1 September, council evidence 6 October, and appellant rebuttal evidence 27 October. Evidence preparation occurring under above timetable is now complete and the matter has been set for hearing on the week starting 19 February 2018. The appeal proceeded to a 2 day hearing 19-20&lt;sup&gt;th&lt;/sup&gt; February 2018. The Court released an interim decision on 29 June 2018 indicating that it will grant consent subject to refining the conditions. The appellant is to file final condition wording by 13&lt;sup&gt;th&lt;/sup&gt; July with AC to file any closing submissions on the final wording by 20&lt;sup&gt;th&lt;/sup&gt; July. <em>The revised conditions in line with the interim decision have been agreed and submitted to the Court. Awaiting release of the consent.</em></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Hibiscus and Bays - Local Board Area (1 APPEALS)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Auckland Council (Community Facilities)</th>
<th>Received</th>
<th>22 December 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2017-AKL-00075 Council – SUB60069647</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>Orewa Beach Esplanade Reserve, between Kohu Street and Marine View</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>Four 274 parties</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal by the applicant against council’s decision to refuse consent to the construction of a seawall, walkway and accessory access structures at the Orewa Beach Esplanade Reserve, between Kohu Street and Marine View.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Region-wide Appeals Register – 9 September 2018*
### Iwi comments
Cultural values assessments were prepared by Ngati Manuhiri and Ngai Tai Ki Tamaki that confirmed conditional support for the application. The environment is highly modified and accidental discovery protocols are sought. The application was publically notified and no submissions from Iwi were submitted.

### Status
Court has heard from the parties and issued a minute on 22 February 2018 setting down the matter for a pre-hearing on jurisdiction over the right to appeal and determining that amicus curiae should be appointed. Affidavits have been prepared for the pre-hearing set for 9 April 2018 that proceeded as scheduled. The Court released on 2 May 2018 its decision confirming jurisdiction over the Council’s right to appeal. A pre-hearing has been set for 31 July to discuss timetabling and possible mediation dates.

### UPPER HARBOUR - Local Board Area (2 APPEALS)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Trevor Hobson and Oliver Hobson</th>
<th>Received</th>
<th>3 May 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2018-AKL-000072</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site address</td>
<td>355 Dairy Flat Highway, Lucas Heights, Auckland</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other parties</td>
<td>Forest and Bird Protection Society</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>An appeal by the applicant against Hearing Commissioners’ decision to decline consent to a 4-LOT subdivision in the Countryside Living Zone.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iwi comments</td>
<td>The application did not trigger any requirement for a Cultural Impact Assessment, or raise any iwi or Treaty issues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status</td>
<td>Mediation delayed by request of the applicant until August 2018.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Scanlon, New Kiwis Limited &amp; The Swim Centre Limited v Auckland Council</th>
<th>Received</th>
<th>27 January 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV–2017-AKL-009 Council – SUB60032697</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site address</td>
<td>364, 378, 382, 404 Upper Harbour Drive &amp; 128 Albany Highway, Greenhithe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other parties</td>
<td>None.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Appeal by submitters against the granting of subdivision consent for 44 residential lots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iwi comments</td>
<td>Ngati Whatua Orakei Iwi Authority – Neutral. Main reasons for concern were discharge of stormwater, removal of trees, and earthworks. Recommended cultural monitoring by NWo, use of Accidental Discovery Protocol, and cultural heritage induction for all contractors involved.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status</td>
<td>Appeal reported to the Regulatory Committee on 12 April 2017. Mediation held 20 April 2017 and 25 May 2017, where the parties could not reach agreement regarding access design, landscaping and other matters. In a court report of 29 September 2017 the applicant and appellant have asked for more time to develop revised plans and resolutions to outstanding issues. A pre-hearing conference with the Environment Court was held on 10 May 2018. Directions were given for a memorandum to be filed as to settlement by 20 July 2018, or else file council evidence or for a hearing in the week of 10 September 2018. From continued discussions between the appellant and applicant a memorandum as to settlement is now likely by the 18th August 2018.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 September 2018
### DEVONPORT TAKAPUNA – Local Board Area (1 Appeal)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Loxley Hall Development Limited</th>
<th>Received</th>
<th>19 July 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2018-AKL-000119</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>32-34 Tennyson St, Takapuna</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal against condition 22 (relating to construction hours of operation) of a resource consent for 47 apartments (BUN60069941).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>The application was publicly notified and no submissions from iwi were submitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Memo updating status due to the Environment Court on 30 July 2018. Matter left to resolve between the parties.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### WAITAKERE – Local Board Area (1 Appeal)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Trustees of Forest Trust and Successors</th>
<th>Received</th>
<th>19 July 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site address</strong></td>
<td>199 Anzac Valley Road, Waitakere</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal against hearing decision to uphold in part and dismiss in part a section 357 objection to conditions and costs of a subdivision resource consent (SUB-2011-63)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>The application did not trigger any requirement for a Cultural Impact Assessment, or raise any iwi or Treaty issues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Appeal lodged on 26 July 2018. Awaiting directions from the Court.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### ALBERT-EDEN – Local Board Area (2 APPEALS)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Sai 1 Trust v Auckland Council</th>
<th>Received</th>
<th>16 February 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2018-AKL-000011 Council – LUC60310360</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>325 Mount Albert Road, Mount Roskill</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal against a decision on a s357 objection to the rejection of a resource consent for processing under s88 of the RMA. The application that was rejected was for the construction of an extension to an existing building to provide an additional unit on the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>As the application was not accepted for processing no assessment of iwi issues has been undertaken. In the initial s88 check for completeness of the application no requirement for a Cultural Impact Assessment or iwi or Treaty matters have been raised.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Appeal lodged on 16 February 2018. Mediation held at the Environment Court on 30 May 2018. Agreement reached and appeal will settled. The appellant is to provide confirmation of the withdrawal of the appeal by 10 June 2018. Appeal settled and file closed.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 September 2018
<table>
<thead>
<tr>
<th>Appellant</th>
<th>View West Limited v Auckland Council</th>
<th>Received</th>
<th>29 September 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2017-AKL-000151</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council – R/LUC/2016/2243, LUC60114213</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>31 Esplanade Road, Mount Eden</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal against a hearing commissioner’s decision to refuse resource consent for the demolition of the St James Church Hall, a Category B Historic Heritage building, located at 31 Esplanade Road, Mt Eden. The hall was constructed in the 1880’s and is currently subject to a Dangerous Building Notice which has seen it fenced off and unused for the past five years. It sits beside the Category B St James Church that has consent to be re-purposed into four residential apartments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>The application did not trigger any requirement for a Cultural Impact Assessment, attract submissions from Iwi or raise Treaty issues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Court directions received on 24 October 2017. The Court requires a response by 7 November as to whether parties agree to mediation. Mediation attended Wednesday, 14th February 2018. Parties agreed a timeline for an alternative proposal to be developed that would see the building retained and re-used. An evidence exchange timetable has been set that runs during June and July. <em>Expert caucausing has been progressing during the weeks 9th and 30th July and a second mediation is now set for 8 August 2018.</em></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PUKETAPAPA – Local Board Area (1 APPEAL)**

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Cadwallader v Auckland Council</th>
<th>Received</th>
<th>17 July 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2018-AKL-000139</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council -</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>14 Parfitt Street, Mount Roskill</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other Parties</strong></td>
<td>Transpower</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal against a decision to refuse consent to relocate and modify and existing dwelling, construct two new dwellings and carry out a three lot subdivision within the National Grid Corridor Overlay.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>The application was publicly notified, no submissions from Iwi. No CIA requirements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Appellant discussing modifications to the proposal with Transpower. Appeal to be allocated to the “Parties On-Hold” category.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**WAIHEKE – Local Board Area (2 APPEALS)**

<table>
<thead>
<tr>
<th>Appellants</th>
<th>Haydan Investments Ltd v Auckland Council</th>
<th>Received</th>
<th>21 June 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2017-AKL-~</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>22 Kuaka Road, Waiheke Island</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Haydan Investments Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 September 2018
<table>
<thead>
<tr>
<th>Description</th>
<th>Appeal against council’s decision to refuse resource consent (non-notified) to establish two visitor accommodation units. The development does not provide for wastewater servicing due to current capacity constraints at the Owhanake Wastewater Treatment Plant (OWTP). The consent application was made on the basis that the commencement of the consent would be delayed until such time as the development could be serviced by the OWTP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iwi comments</td>
<td>No iwi issues. The application was considered in accordance with the RMA.</td>
</tr>
<tr>
<td>Status</td>
<td>Awaiting directions from the Court and confirmation of a mediation date.</td>
</tr>
<tr>
<td><strong>Attachment A</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Item 10</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Appellants</strong></td>
<td>Cable Bay Wines Ltd v Auckland Council</td>
</tr>
<tr>
<td><strong>References</strong></td>
<td>ENV-2017-AKL-00010</td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>12 Nick Johnston Drive, Waiheke Island</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Cable Bay Wines Limited</td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>Stephen &amp; Suzanne Edwards, Julie Loranger &amp; Lindsay Niemann, Michael &amp; Christine Poland.</td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Cable Bay appeal Council’s decision to refuse retrospective consent relating to the unlawful establishment and use of an additional dining area known as ‘The Verandah’. The principal issues in contention relate to the scale and intensity of the activity and the general amenity / noise effects associated with the use of the structure.</td>
</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>The application was limited-notified to neighbours. No iwi group indicated a need for a cultural impact assessment. The Hearing Commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA.</td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>The Environment Court has directed court-assisted mediation after the expiry of the section 274 period which is 15 March 2018. Council is to file and serve a reporting memorandum by 4 May 2018. Three s274 parties have joined. Awaiting confirmation of Environment Court mediation date. Mediation will involve both the consent appeal and the enforcement order application. The mediation scheduled for 27 April abandoned and now scheduled for 2 July 2018. Mediation held on 2 July 2018. No agreements reached between the parties. Caucusing between noise experts to on 5 July 2018 and a further mediation to be scheduled. No agreement reached at second mediation. Matter to be set down for a hearing late 2018.</td>
</tr>
</tbody>
</table>

**MAUNGAKIEKIE TAMAKI (1 appeal)**

<table>
<thead>
<tr>
<th><strong>Appellants</strong></th>
<th>Windward Properties Ltd v Auckland Council</th>
<th><strong>Received</strong></th>
<th>28 June 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2017-AKL-000130</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>57 Walls Road, Panmure</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Windward Properties Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal against council’s decision to refuse resource consent (non-notified) to establish non-accessory office space within an existing building in the Business</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 September 2018
– Light Industry zone.

Iwi comments No iwi issues. The application was considered in accordance with the RMA.

Status Awaiting directions from the Court and confirmation of a mediation date. Council to provide a memorandum to the Court by 7 August 2018 stating the outcome of any negotiation / mediation between the parties, and a timetable for the filling and exchange of evidence and expert caucusing.

MANGERE-OTAHUHU (1 appeal)

<table>
<thead>
<tr>
<th>Appellants</th>
<th>Travama Trust Company Limited v Auckland Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2018-AKL-000110</td>
</tr>
<tr>
<td></td>
<td>LUC60129019</td>
</tr>
<tr>
<td>Site address</td>
<td>91 Huia Road Otahuhu</td>
</tr>
<tr>
<td>Applicant</td>
<td>Travama Trust Company Limited</td>
</tr>
<tr>
<td>Other parties</td>
<td>None presently</td>
</tr>
<tr>
<td>Description</td>
<td>Appeal against council’s decision to refuse retrospective resource consent for a boarding house activity within an existing building in the Business – Light Industry zone.</td>
</tr>
<tr>
<td>Iwi comments</td>
<td>No iwi submissions or known issues.</td>
</tr>
<tr>
<td>Status</td>
<td>Awaiting directions from the Court and confirmation of a mediation date. The Court has confirmed mediation however a date is yet to be set.</td>
</tr>
</tbody>
</table>

HOWICK (1 appeal)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Drinkrow Industrial Estates Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2018-AKL 0000107</td>
</tr>
<tr>
<td></td>
<td>Council – LUC60292029</td>
</tr>
<tr>
<td>Site address</td>
<td>11 Cryers Road</td>
</tr>
<tr>
<td>Applicant</td>
<td>Drinkrow Industrial Estates Ltd</td>
</tr>
<tr>
<td>Other Parties</td>
<td>Waste Management NZ Ltd, Lewis Holdings Ltd, David Levene Foundation – s274 parties</td>
</tr>
<tr>
<td>Description</td>
<td>Appeal by appellants against the decline of their consent application to establish a mixed use development comprising a retail, commercial and office building and a separate childcare centre and gym building, with associated outdoor areas and parking in the Heavy Industry zone. Main issues in contention include appropriateness of the proposed activities in the HIZ, adverse air quality effects for children, potential health and safety risks, reverse sensitivity effects on existing activities.</td>
</tr>
<tr>
<td>Iwi comments</td>
<td>No iwi issues. The application was considered in accordance with the RMA.</td>
</tr>
<tr>
<td>Status</td>
<td>New appeal that has a number of interested parties. The Court has asked parties to confirm whether they agree to Court assisted mediation. Council has requested that the matter of activity status be determined at a preliminary hearing. A judicial teleconference was held on 31 July and the legal counsel for all parties will caucus regarding the interpretation of the relevant provisions and report to the Court before the Court decides a course of action.</td>
</tr>
</tbody>
</table>

Region-wide Appeals Register – 9 September 2018
### MAUNGAKIEKIE TAMAKI and HOWICK (2 APPEALS)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Panmure Bridge Marina Ltd and Barry Scott Family Trust</th>
<th>Received</th>
<th>19 March 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2018-AKL 0000048</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council – LUC60123881, LUC60289131, DIS6008373, CST60082989, DIS60083720 and DIS60277558, WAT60152193</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site address</td>
<td>AMETI</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant</td>
<td>Auckland Transport</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Appeal by submitters relating to the resource consent application by Auckland Transport for the AMENTI Stage 2A project, that were heard at the same time as the associated Notice of Requirement. The consents relate to a new busway and bridge crossing the Tamaki River. The main area of contention for the appellants is around the impact on Panmure Marina and a failure to consider alternative alignment options for the bridge.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iwi comments</td>
<td>The application included a Cultural Values Assessment by the Ngāti Paoa Iwi Trust which contained a number of recommendations. Ngāti Paoa also submitted on the proposal. AT commissioned an Independent Assessment of Effects on Māori Heritage following the submission period, taking into account the points raised in the submission, along with other submissions that identified potential cultural effects.</td>
<td></td>
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</tr>
<tr>
<td>Status</td>
<td>New appeal that is part a number of appeals against the grant of resource consents and the confirmation of the Notice of Requirement by AT. Parties are in discussion in regards to seeking a mediation date with the Court. The Court has set the appeal down for a hearing in the month of August. Auckland Council was required to file our evidence by 18 May 2018.</td>
<td></td>
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</tr>
</tbody>
</table>

### FRANKLIN – Local Board Area (6 APPEALS)

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Waharau Trust</th>
<th>Received</th>
<th>20 July 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2018-AKL 000143</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council – CST60082314</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site address</td>
<td>Western Firth of Thames</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant</td>
<td>Western Firth Marine Farming Consortium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other parties</td>
<td>No current 274 parties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Appeal by a submitter opposing the grant of consent to establish, operate and maintain a marine farm in the western Firth of Thames. The farm will be used to grow and harvest New Zealand Green- lipped mussels. The application is for a 447ha farm within a total application area of 664ha located some 5km to 8km offshore. The appellant seek conditions that will better address concerns around water quality and marine ecology effects, visual amenity and effects on recreational opportunities. Other matters raised at the hearing concerned possible effects on wave breaks and landscape effects.</td>
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<tr>
<td>Iwi comments</td>
<td>A number of cultural matters were canvassed at the hearing. The Hauraki Maori Trust Board (that represents 12 iwi of Hauraki) has a longstanding participation in aquaculture in Tikapa Moana( Hauraki Gulf) and is a member of the applicant consortium. Te Whanau-A-Haunui as a submitter</td>
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</tbody>
</table>
raised issues to ensure kaitiaki, the mauri and customary practices are not adversely affected.

**Status**
New appeal. A direction from the Court seeks the parties to summarise issues, a possible mediation and evidence timetable and the likely witnesses to be called by 24 August 2018.

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Fulton Hogan Limited</th>
<th>Received</th>
<th>15 March 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2018-AKL 0000046</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council – 53124, 53125, 53126</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>546 McNicol Road Clevedon</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Fulton Hogan Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>Auckland Transport, Clevedon Protection Society, Clevedon Cares Incorporated, Clevedon School Board of Trustees and Clevedon Conversations - 274 parties</td>
<td></td>
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</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal by the applicant relates to two conditions of consent imposed on the grant of consent to expand its quarry at 546 McNicol Road Clevedon. Condition 23 relates to a restriction that prevents quarry truck movements to and from Clevedon Quarry after 12 pm (noon) on Saturday. Condition 19 (b) and (c) are references in the review condition regarding adverse truck noise along McNicol Road (south of Tourist Road) and Tourist Road.</td>
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</tr>
<tr>
<td><strong>Iwi comments</strong></td>
<td>There were no cultural value assessments submitted or later submissions from Iwi following public notification.</td>
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<tr>
<td><strong>Status</strong></td>
<td>Parties are in discussion in regards to seeking a mediation date with the Court in early May. Mediation proceeded on 21 and 22 May 2018, Further discussion continues between the parties with the intention of either settlement or minimising the outstanding matters. A draft consent order was lodged with the Court on 10 June that deals with all party matters (except those of Auckland Transport) and incorporates changes to conditions as generally agreed at the mediation. <strong>The Court granted a court order that modifies the agreed conditions apart from those (conditions 65 -66) relating to the Auckland Transport road pavement rehabilitation issues that remain outstanding. An application to commence consent with the exception of the AT matters was granted unopposed. AT and FHL are to report to the Court as to the unresolved matters by 21 September 2018.</strong></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Appellant</th>
<th>Clevedon Protection Society 2017 Incorporated</th>
<th>Received</th>
<th>15 March 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>References</strong></td>
<td>ENV-2018-AKL 0000044</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Council – 53124, 53125, 53126</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site address</strong></td>
<td>546 McNicol Road Clevedon</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Fulton Hogan Limited</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other parties</strong></td>
<td>Auckland Transport and Clevedon Conversations - 274 parties</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description</strong></td>
<td>Appeal by a submitter to particular conditions imposed on the consent for the application by Fulton Hogan to expand the size of its Clevedon Quarry and increased activity to an annual production of approximately 3 million tonnes per year. The conditions relate to the Community liaison Group, monitoring and review, truck management, numbers, speed and road parking and safety, operation hours and noise, stream ecology and discharge to air.</td>
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<tr>
<td><strong>Item 10</strong></td>
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</tbody>
</table>

| **Iwi comments** | There were no cultural value assessments submitted or later submissions from Iwi following public notification. |
| **Status** | Parties are in discussion in regards to seeking a mediation date with the Court in early May. Mediation proceeded 21 and 22 May 2018. Further discussion continues between all parties with the intention of either settlement or minimising the outstanding matters. A draft consent order lodged with the Court on 10 June deals with all Clevedon Protection Society matters and incorporates changes to conditions as generally agreed at mediation. |

| **Appellant** | Manukau Harbour Restoration Society Inc |
| **Received** | 17 January 2018 |
| **References** | ENV-2018-AKL-000002 |
|  | Council – R/REG/2016/2749 and R/REG/2016/2751 |
| **Site address** | Waiuku |
| **Applicant** | Watercare Services Limited |
| **Description** | Appeal by a submitter to the grant of regional permits to discharge wastewater into the Waiuku Estuary and Manukau Harbour. One s274 party has joined (Gary Whyborn). |
| **Iwi comments** | The application was publicly notified and submissions were received from Ngati Te Ata and Ngati Tamaoho Trust. Ngati Te Ata provided its full support to the Project and the applications. Ngati Tamaoho Trust asked that the application be declined but also proposed conditions should consent be granted |
| **Status** | Parties have met to discuss concerns/questions with the conditions. A second Court assisted mediation has occurred on 3 May 2018. Discussions on conditions continue. Consent order docs were filed with the Court 14 June. |

| **Appellant** | Giles and Third |
| **Received** | 16 August 2017 |
| **References** | ENV-2017-AKL-000118 |
|  | Council – SUB60300057 (MC53131) |
| **Site address** | 340 Clevedon Kawakawa Bay Road |
| **Applicant** | Dianne Giles and Lynette Colleen Third |
| **Description** | Appeal against a decision refusing consent to subdivide a rural site to create two lots. Consent refused on a non-notified basis |
| **Iwi comments** | The application was non-notified. No iwi group indicated a need for a cultural impact assessment. The delegated decision maker considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA. |
| **Status** | Appeal on hold to allow applicant to see if reasons for refusal can be addressed. Currently exploring design options to see if policy matters can be addressed. Next court report date on 23 February 2018. An amended proposal has been submitted by the applicant for consideration by Council as to whether it addresses the reasons for refusal. The next reporting date is 31 March. Consent order docs are being prepared as the revised proposal now addresses the reasons for refusal. Awaiting signed and sealed consent order docs from the Court. The Court has declined to sign the consent order as it requires further information regarding potential landscape and character effects. The appellant is considering their options. |

*Region-wide Appeals Register – 9 September 2018*
<table>
<thead>
<tr>
<th>Appellant</th>
<th>Ahuareka Trustees (No. 2) Ltd</th>
<th>Received</th>
<th>19 November 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>References</td>
<td>ENV-2015-AKL-000147</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council – 42081</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site address</td>
<td>650-680 Whitterford Maraetai Road, Whitterford</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other parties</td>
<td>Whitford Residents and Ratepayers Association</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Appeal against Council’s decision to refuse consent to establish a hamlet of 186 households and ancillary buildings, a country pub and restaurant, retail and commercial units and carpark in the Whitterford Rural B zone.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iwi comments</td>
<td>No iwi submissions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status</td>
<td>Appeal reported to the Committee in December 2015. Mediation held 11 February 2016. Appeal reported to the Regulatory Committee on 1 December 2016. Evidence exchange occurred in February/March 2017 although no hearing date set. Judicial teleconference held 30 March. Rebuttal evidence due 28 April with hearing possible in July. Court hearing proceeded within the week 3 July 2017, with the applicants reply to be filed in writing and subsequently the Court’s decision. Awaiting Court decision. Decision of the Court received 15 December 2017 – appeal declined. Significant policy-based decision supporting provisions of AUP (OP). Court costs being sought, otherwise appeal matters complete. The Environment Court decision since appealed by the appellant to the High Court on 26 January 2018. A case management conference is scheduled for 6 March. High Court hearing set down for 3 July. High Court hearing has been postponed until August.</td>
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</tr>
</tbody>
</table>

*Region-wide Appeals Register – 9 September 2018*
### REGULATORY COMMITTEE FORWARD WORK PROGRAMME 2018 / 2019

This committee is responsible for regulatory hearings, appointing independent commissioners and for the development of regulatory policy and bylaws.

<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Regulatory Committee role (decision or direction)</th>
<th>Budget/ Funding</th>
<th>Expected timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Alcohol Licensing</strong></td>
<td>Report on the revenue received and the costs incurred for the alcohol licensing process – required by regulation 19 of the Sale and Supply of Alcohol (Fees) Regulations 2013.</td>
<td><strong>Note</strong> that the majority of alcohol licensing costs were recovered from the existing default licensing fees regime for the twelve months to July 2017. <strong>Confirm continuance of the default licensing fees regime.</strong> <strong>Review</strong> the default licensing fees regime after a suitable period of time has elapsed following the implementation of the Local Alcohol Policy.</td>
<td><strong>Within current baselines.</strong></td>
<td><strong>FY18</strong> Q4 FY19 Q1 Q2 Q3 **</td>
</tr>
<tr>
<td><strong>Animal Management</strong></td>
<td>Report on Animal Management activities for the year ending June 2018 as required by s10a of the Dog Control Act 1996</td>
<td><strong>Note</strong> that the Animal Management Annual Report is required under Section 10A of the Dog Control Act 1996 and staff will provide the 2017/18 report to the Secretary of Local Government</td>
<td><strong>Within current baselines.</strong></td>
<td><strong>FY18</strong> Q4 FY19 Q1 <strong>Q2 (Nov)</strong> Q3 **</td>
</tr>
<tr>
<td><strong>Earthquake Prone, Dangerous &amp; Insanitary Buildings Policy 2011-2016 Review</strong></td>
<td>2011 - Auckland Council was required under s131 of the Building Act 2004 to adopt a policy on earthquake prone, dangerous and insanitary buildings 2018 – Due to the Building (Earthquake-Prone Buildings) Amendment Act 2016, Auckland Council’s management of earthquake-prone buildings now falls under the national policy and methodology set by MBIE. Our ongoing work programme for issuing statutory EPB notices, receiving seismic assessments, and identifying residual potential EPBs is being carried out on this basis. Note that dangerous and insanitary buildings continue to have their own local policy that is now under the management of Regulatory Compliance.</td>
<td>Update the Committee on the progress made in implementing Auckland Council’s regulatory obligations with regard to earthquake-prone buildings within its jurisdiction.</td>
<td></td>
<td><strong>FY18</strong> Q2 (Nov) FY19 **</td>
</tr>
</tbody>
</table>
| **Freedom camping**                                      | Explore the need for and options for regulating freedom camping in Auckland | **Receive options report following the completion of the research and pilot. (July 2017)**  
**If a regulatory response is required then the committee will:**  
- Review is within current baselines.  
- Funding proposals will be required for any recommendations that require capital or | **FY18** Q4 FY19 Q1 (Aug) Q2 Q3 |                                  |
## REGULATORY COMMITTEE FORWARD WORK PROGRAMME 2018 / 2019

This committee is responsible for regulatory hearings, appointing independent commissioners and for the development of regulatory policy and bylaws.

<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Regulatory Committee role (decision or direction)</th>
<th>Budget/ Funding</th>
<th>Expected timeframes Highlight financial year quarter and state month if known</th>
</tr>
</thead>
</table>
| Public Safety and Nuisance Bylaw review | Legislative requirement to review bylaw within 5 years. Committee resolution to “commence the review of the Public Safety and Nuisance Bylaw 2013 at an early date”. | - Receive report following the completion of the bylaw review. (Dec ’17 – Feb ’18)  
- Recommend statement of proposal to Governing Body. (Q2 or Q3 – FY18)  
- Establish the hearings panel for deliberations on submissions. (Q2 or Q3 – FY18)  
- Recommend final draft of bylaw to governing body for adoption. (Q4 – FY18)  
- Report was considered on 12 Oct. the item was deferred REG2017/84  
- 8 Feb 2018 - workshop - seeking preference’s to which clauses of the bylaw should be retained, amended or revoked. - seeking agreement in principle to draft recommendations against 6 key topics, will also highlight next steps, timing and process requirements for completion of the PSN review. | operational upgrades. | Only Q4 Q1 Q2 Q3 (Mar19) |

- An overview programme was presented on 10/08/2017 Item 9 REG/2017/72 resolution SCP process

**Options for content of the bylaw will be worked through with the committee in August ’18 and September ’18 (dates to be confirmed)**
<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Regulatory Committee role (decision or direction)</th>
<th>Budget/ Funding</th>
</tr>
</thead>
</table>
| Dog management Bylaw and Policy on Dogs. | Legislative requirement to review the bylaw and policy after five years.        | • Receive report following the completion of the bylaw review. (November 2017)  
• Recommend statement of proposal to Governing Body.  
• Establish the hearings panel for deliberations on submissions.  
• Recommend final draft of bylaw to governing body for adoption.  
• Workshop held April 2018 – to seek informal guidance on a few potentially contentious issues related to dog management. | Q4 (Aug)  
Q1 (Oct)  
Q2 (Nov)  
Q3 (Tbc) |
**REGULATORY COMMITTEE FORWARD WORK PROGRAMME 2018 / 2019**

This committee is responsible for regulatory hearings, appointing independent commissioners and for the development of regulatory policy and bylaws.

<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Regulatory Committee role (decision or direction)</th>
<th>Budget/ Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and Hygiene Bylaw</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td><strong>Progress to date:</strong> 14 June 2018 - A report to endorse the findings of the Auckland Council Policy on Dogs 2012 and Dog Management Bylaw 2012 statutory review and approve a report back on options that respond to the findings - minute REG/2018/44</td>
<td></td>
</tr>
<tr>
<td>Solid Waste Bylaw review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td><strong>12 April 2018 findings report to endorse the findings of the Health and Hygiene Bylaw 2013 statutory review and approve a report back on options that responds to the findings. Minute REG/2018/21</strong></td>
<td></td>
</tr>
<tr>
<td>Legacy on-site wastewater bylaw review</td>
<td>To complete a review of four legacy on-site wastewater bylaws (legacy bylaws) in Rodney, North Shore, Waiheke and Papakura</td>
<td><strong>10 May 2018 - Options Report - to seek a determination on the outcome of the statutory review on the Auckland Council Health and Hygiene Bylaw 2013 and make a decision about its future - minute REG/2018/36</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Progress to date:**
- 12 July 2018 – report To recommend the Governing Body adopt the Health and Hygiene Bylaw 2013 (Bylaw) statement of proposal for public consultation and make a decision to appoint a panel to deliberate and make recommendations on feedback received – minute REG/2018/51

**Expected timeframes**
- Highlight financial year quarter and state month if known

<table>
<thead>
<tr>
<th>FY18</th>
<th>FY19</th>
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<tbody>
<tr>
<td>12 Apr</td>
<td>10 May</td>
</tr>
<tr>
<td>14 June</td>
<td>12 July</td>
</tr>
<tr>
<td>9 Aug</td>
<td>13 Sept</td>
</tr>
<tr>
<td>8 Nov</td>
<td>Feb</td>
</tr>
<tr>
<td>4 Oct</td>
<td>Mar</td>
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</tbody>
</table>

*Public notification is required for bylaw reviews even if no change to the bylaw is recommended.*
<table>
<thead>
<tr>
<th>Area of work</th>
<th>Reason for work</th>
<th>Regulatory Committee role (decision or direction)</th>
<th>Budget/ Funding</th>
<th>Expected timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Progress to date:</strong> 12 July 2018 - report To recommend the Governing Body adopt the legacy on-site wastewater bylaws statement of proposal for public consultation and make a decision to appoint a panel to deliberate and make recommendations on feedback received – minute REG/2018/52</td>
<td></td>
<td>FY18: 12 April 10 May 14 June 12 July 9 Aug 13 Sept FY19: 4 Oct 8 Nov Feb Mar</td>
</tr>
<tr>
<td>Boarding Houses Inspection</td>
<td>Update on the Auckland proactive boarding houses inspections programme. Increase inspections from one to a minimum of three per year.</td>
<td>• For information An update on the initiative was provided at the 15 June meeting item 12 resolution REG/2017/51 item 12 update on boarding house inspections item 11 Next two proactive inspections will be conducted with Ministry of Business, Innovation and Employments in August and October 2017. November agenda report was deferred to the February meeting.</td>
<td>Q4  Q1</td>
<td>Q2 (Nov) Q3 (Feb)</td>
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<td></td>
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<td><strong>Progress to date:</strong> 8 February 2018 - report to provide an update on the proactive boarding houses inspection programme – minute REG/2018/52</td>
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<tr>
<td></td>
<td></td>
<td><strong>Information purposes</strong></td>
<td>Monthly updates - Memo</td>
<td>N/A</td>
</tr>
<tr>
<td>Resource Consents Appeal Update</td>
<td>To provide oversight of the appeals received to resource consent decisions.</td>
<td></td>
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</tr>
<tr>
<td>The Regulatory Committee Policy</td>
<td>Reporting on and monitoring of commissioner appointments</td>
<td><strong>Information purposes</strong></td>
<td>Memo monthly</td>
<td>Q4  Q1  Q2  Q3</td>
</tr>
<tr>
<td>The Regulatory Committee Policy</td>
<td>Annual review of commissioner pool</td>
<td><strong>Decision:</strong> review RMA commissioner pool Memo Quarterly</td>
<td>Q4  Q1 (Aug)</td>
<td></td>
</tr>
<tr>
<td>The Regulatory Services Directorate</td>
<td>Report on: progress implementing the Food Act 2014 insights into the performance, opportunities and risk of the Resources Consents Dept progress implementing the Regulatory Compliance programme update of Building control activity</td>
<td><strong>For information only:</strong> 6 monthly update</td>
<td>Q1 (Aug)</td>
<td></td>
</tr>
<tr>
<td>Alcohol Control Bylaw review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>A report on findings and options will be considered in late 2018.</td>
<td>Q2 (Nov TBC)</td>
<td></td>
</tr>
</tbody>
</table>

*Regulatory Committee Summary of Information Items 9 August 2018*