

Regulatory Committee - 1 May 2019 Attachments

8.1. Minutes.....2

8.1.1. Minutes of the Regulatory Committee Meeting 20190321.....2



Minutes of a meeting of the
Regulatory Committee held in the
Council Chamber at Philip Laing House,
144 Rattray Street, Dunedin on
Thursday 21 March, commencing at 11:00 am

Membership

Cr Bryan Scott

(Chairperson)

Cr Sam Neill

(Deputy Chairperson)

Cr Graeme Bell

Cr Doug Brown

Cr Michael Deaker

Cr Carmen Hope

Cr Trevor Kempton

Cr Michael Laws

Cr Ella Lawton

Cr Andrew Noone

Cr Gretchen Robertson

Cr Stephen Woodhead

Welcome

Cr Scott welcomed Councillors, members of the public and staff to the meeting.

For our future

1. APOLOGIES

No apologies were received.

2. LEAVE OF ABSENCE

No Leaves of Absence were requested.

3. ATTENDANCE

Sarah Gardner *(Chief Executive)*
Nick Donnelly *(Director Corporate Services)*
Andrew Newman *(Acting Director Policy, Planning and Resource Management)*
Peter Fitzjohn *(Acting Director Stakeholder Engagement)*
Gavin Palmer *(Director Engineering, Hazards and Science)*
Sally Giddens *(Director People and Safety)*
Liz Spector *(Committee Secretary)*

4. CONFIRMATION OF AGENDA

The agenda was confirmed as tabled.

5. CONFLICT OF INTEREST

Cr Gretchen Robertson and Cr Ella Lawton reported a possible conflict of interest to hear item 10.2 Lagarosiphon management review because they both sit on the Biosecurity Strategy panel.

6. PUBLIC FORUM

No public forum was held.

7. PRESENTATIONS

No presentations were held.

8. CONFIRMATION OF MINUTES

Resolution

That the minutes of the meeting held on 30 January 2019 be received and confirmed as a true and accurate record.

Moved: Cr Scott

Seconded: Cr Neill

CARRIED

9. ACTIONS

Status report on the resolutions of the Regulatory Committee

11.3 Managing the use of coal for domestic heating in Otago and New Zealand (Technical Committee)	31/1/2018	<i>That the matter of the ability to enforce the current Regional Air Plan AirZone 1 provisions be considered by the Regulatory Committee</i>	IN PROCESS
10.1 Review of Council's Consents Function	17/10/18	<i>Staff appoint a consultant/s to undertake the review.</i> <i>That the Committee approves the brief attached as Appendix 1 for the Review of Council's Resource Consents Function, subject to the suggested edits outlined (Best Practise, shared services)</i>	COMPLETE
11.1 Compliance Activity for 2017/18	17/10/18	<i>That a case study be undertaken on the Kaikorai Stream with a view to informing future work on urban waterways and other waterways of concern.</i> <i>That this paper be reframed and represented with analysis of trends and of highlights and issues governance should be address</i>	IN PROCESS
11.2 Director's Report on Progress Lagarosiphon control – Lake Dunstan	17/10/18	<i>That an effectiveness review of lagarosiphon control on Lake Dunstan be brought to next committee round</i>	COMPLETE
Wallaby Control	28/11/18	Cr Scott requested that the action item for a Memorandum of Understanding (MOU) with Environment Canterbury for wallaby control be reinstated to the action list.	IN PROCESS

10. MATTERS FOR NOTING

10.1. Enforcement Action

Cr Scott introduced Manager Compliance Martin King. Cr Laws questioned Mr King about resource consent breaches and reporting of any such breaches to Council. Cr Robertson stated Councillors are aware of annual auditing of consent conditions, but she would like to increase the transparency and clarity of reporting to Council. She suggested a periodic "State of the Environment" report to address these issues. Cr Law indicated he would make a motion to conduct a review of the compliance monitoring environment. Cr Lawton said she would support such a motion and ask that Terms of Reference be developed for such a review. CE Gardner said staff are working to develop a dedicated compliance strategy and risk prioritisation model. She asked if the Council was giving her instruction to do a review of Compliance. Cr Scott asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Directs** staff to carry out an effectiveness review for compliance monitoring and enforcement

Moved: Cr Laws
Seconded: Cr Lawton
FAILED

The motion failed, and Cr Woodhead made a motion.

Resolution

That the Council:

- 1) **Receives** this report.

Moved: Cr Woodhead
Seconded: Cr Deaker
CARRIED

10.2. Lagarosiphon management review

Cr Robertson left the meeting prior to action on this item.

Cr Lawton left the meeting prior to action on this item.

Cr Scott summarised the staff report which reviewed lagarosiphon management in Lake Dunstan as part of a wider management approach including lakes Wanaka and Wakatipu, and the upper Kawarau River. He said the report provides options for consideration. Acting Manager Policy & Planning Anita Dawe, Senior Policy Analyst Richard Pettinger, and Manager Compliance Martin King were present to answer questions about the report. Cr Lawton said she would like for the LINZ and NIWA reports to be circulated to the Councillors. Mr Pettinger said the reports from LINZ and NIWA were PowerPoint presentations and not provided to the ORC for distribution. Cr Woodhead suggested that the Councillors receive the report today and request representatives from LINZ to present to the Council in the future. Cr Scott asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.

Moved: Cr Woodhead

Seconded: Cr Noone

CARRIED

Cr Lawton returned to the meeting at 12:30 pm.

Cr Robertson returned to the meeting at 12:30 pm.

10.3. Directors Report on Progress

Cr Scott noted that Peter Winder, Acting General Manager Regulatory, was unable to attend the meeting to address the report. Cr Scott summarised the report which updated the Committee on regulatory activity undertaken during the period 8 January 2019 to 28 February 2019. There were no questions and Cr Scott asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.

Moved: Cr Noone

Seconded: Cr Neill

CARRIED

10.4. Consents and Building Control

Joanna Gilroy, Manager Consents was present to answer any questions about the Consents and Building Control report which provided the Committee a high-level overview of the consents and building control activity of Council and the deemed permit replacement progress for the period 1 January 2019 to 22 February 2019. There were no questions and Cr Scott asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.

Moved: Cr Woodhead

Seconded: Cr Deaker

CARRIED

10.5. Plan Change 6A - The Good Water Programme

Chief Executive Sarah Gardner addressed the Council about the Good Water Programme. She said the report was delivered to the Committee to confirm the principles and key areas of focus for the implementation of Plan Change 6A – the Good Water Programme. She said teams across the organisation will have responsibilities for implementation of the programme and each team has draft plans in place to support the principles as outlined in the report. Mrs Gardner said the

next steps for the ORC are detailed in her report. A general discussion was conducted about the plan. Cr Scott thanked Mrs Gardner for the report and asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Endorses** the Principles and Priorities for the Good Water Programme Implementation of Plan Change 6A

Moved: Cr Woodhead
 Seconded: Cr Kempton
 CARRIED

Cr Laws left the meeting.

11. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution

Moved: Cr Scott
 Seconded: Cr Woodhead
 CARRIED

That the public be excluded from the following parts of this meeting, namely:

- *Approval of the minutes of the 31 January 2019 Public Excluded Regulatory Committee meeting.*
- *2.1 EMO1850 Enforcement Action*
- *2.2 PPRM1880 Comments on Function Review*

11.99. PUBLIC EXCLUDED POSTAMBLE

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 are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>Approval of the minutes of the 31 January 2019 Public Excluded Regulatory Committee meeting.</i>	That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this	Section 48(1)(a); Section 48(1)(d)

<p>2.1 EMO1850 Enforcement Action</p>	<p>paragraph applies – Section 48(1)(d)</p> <p>LGOIMA Section 6 (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial;</p>	<p>Section 6(a)</p>
<p>2.2 PPRM1880 Comments on Function Review</p>	<p>To protect the privacy of natural persons 7(2)a; to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any 7(2)(c)(i) and 7(2)(c)(ii); and, to maintain legal professional privilege, 7(2)(g).</p>	<p>Section 7(2)a; 7(2)(c)(i); 7(2)(c)(ii); 7(2)(g)</p>

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 or [section 6](#) or [section 7](#) or [section 9](#) of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

Approval of the minutes of the 31 January Public Excluded Regulatory Committee Meeting -
That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies – Section 48(1)(d)

2.1 EMO1850 Enforcement Action - to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial;

2.2.PPRM1880 Comments on Function Review - To protect the privacy of natural persons 7(2)a; to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any 7(2)(c)(i) and 7(2)(c)(ii); and, to maintain legal professional privilege, 7(2)(g).

12. NOTICES OF MOTION

No notices of motion were given.

13. CLOSURE

The meeting was declared closed at 02:04 pm.

Chairperson