
MINUTES
of the
REGULATORY COMMITTEE MEETING
held
9.30am, Thursday, 23 July 2020
at
Tasman Council Chamber, 189 Queen Street, Richmond

Present: Cr D Wensley (Chair), Cr D Ogilvie (Deputy Chair), Mayor T King, Crs S Bryant, C Butler, B Dowler, C Hill, K Maling, C Mackenzie, D McNamara, A Turley, T Walker

In Attendance: Environment and Planning Manager (D Bush-King), Executive Assistant (J Jar)

Part Attendance: Compliance and Investigations Officer (Kat Bunting), Compliance and Investigations Officer (Neil Green), Resource Consents Manager (Phil Doole), Mayor (Tim King), Engineering Services Manager (Richard Kirby), Policy Planner – Natural Resources (Diana Worthy), Resource Scientist – Contaminants (Anna Mackenzie), Compliance and Investigations Officer (Jane Stuart), Executive Support Officer (L Atkins), Senior Compliance Administrator (Vicky Clark), Administrator Officer – Compliance (Abigail Nisbett)

1 OPENING, WELCOME

The Chairperson welcomed everyone to the meeting and opened at 9.30am with a Karakia.

2 APOLOGIES AND LEAVE OF ABSENCE

Moved Cr Ogilvie/Cr Hill
RCN20-07-1

That apologies from Councillor Greening be accepted and apologies for lateness from Councillor Tuffnell be accepted.

CARRIED

3 PUBLIC FORUM

Julie Niven and **Chris Wheatley** spoke on behalf of the Climate Forum. Ms Niven thanked Crs Wensley and Walker for their assistance to the forum and thanked Council as a whole for their support.

Ms Niven noted a huge amount of volunteer time and effort had been given to the Forum. They have held 14 workshops and have been developing a climate change strategy for the region and are beginning to take actions. They are aware of balancing the urgency of change as well as slowing down and bringing everyone along. They have put a lot of thought around outreach to ensure everyone that needs to be heard is heard.

Mr Chris Wheatley advised one of the groups of the Climate forum is based on ecosystems and biodiversity with 12 active members. He highlighted some members have links to wider groups both nationally and internationally and are working well together. Mr Wheatley noted there is a lot of action happening in this space already but they are looking to add value and not repeat things.

3 DECLARATIONS OF INTEREST

None

4 LATE ITEMS

No Late Items

6 CONFIRMATION OF MINUTES

**Moved Cr Turley/Cr Dowler
RCN20-07-2**

That the minutes of the Regulatory Committee meeting held on Thursday, 11 June 2020, be confirmed as a true and correct record of the meeting.

CARRIED

**Moved Cr Mackenzie/Cr Ogilvie
RCN20-07-3**

That the minutes of the Animal Control Subcommittee meeting held on Tuesday, 3 March 2020, be confirmed as amended, as a true and correct record of the meeting.

CARRIED

7 REPORTS

7.1 2019-2020 Farm Dairy Compliance Survey

Compliance and Investigations Officer, Kat Bunting spoke to her report which was taken as read.

A number of Councillors thanked Ms Bunting for her in-depth report noting the progress made in this area.

In response to a question Ms Bunting explained the one instance of serious non-compliance came about from a poor decision on the day and not having adequate storage facilities. Ms Bunting noted the new Freshwater changes coming will have an impact on farmers. She was confident dairy farmers in Tasman will be placed well, however she felt it was not quite the same for other farm types.

Ms Bunting highlighted the good working relationship Council has with Fonterra and she doesn't see that changing going forward.

It was raised whether Council needs to continue to undertake the level of monitoring in this space. Mr Bush-King noted that we are benchmarked with other regional councils but staff could look at how we might distribute resources across a different time period.

**Moved Deputy Mayor Bryant/Cr Wensley
RCN20-07-4**

**That the Regulatory Committee receives the 2019-2020 Farm Dairy Compliance Survey
RRCN20-07-1**

CARRIED

7.2 Annual District Wide Water Monitoring Report

Compliance and Investigations Officer, Neil Green spoke to his report which was taken as read.

In response to a question about the number of abatement notices issued, Mr Green advised there had been approximately 17 abatement and 42 infringement fines last year but this year there was a significant improvement with much lesser numbers. Repeat offenders from previous years have improved their behaviours as a result of actions taken and that Council staff believe this firm stand has sent the right messages. It was noted the district wasn't hit as hard this year in terms of drought.

In response to a question as to whether Telemetry will improve water monitoring, Mr Green said it wasn't easy to say. Telemetry has increased and will increase more; automated readings mean you don't have to chase but they aren't infallible.

Mayor King joined the meeting at 10.23am.

There was discussion around the funding received to cover the monitoring costs. Mr Bush-King noted Council gets an annual charge from each permit holder to cover supervision, monitoring and administration. If recoveries were insufficient Councillors may need to address this through the review of the Revenue and Finance policy.

There was a discussion around the means of submitting water meter returns and the functionality of Apps like Antenno to help move along the technological path to send in readings. Mr Green advised Council offer a variety of ways and means for people to send in their readings and how we encourage use of more modern methods. It was noted staff will have further discussions with IT around how we can do this.

In response to a question on who is monitoring water takes for hydro, Mr Green advised they are monitored, but are non-consumptive so have to meet different requirements.

The meeting adjourned for morning tea at 10.48am and resumed at 11.04am.

**Moved Cr Maling/Cr Mackenzie
RCN20-07-5**

That the Regulatory Committee receives the Annual District Wide Water Monitoring Report RRCN20-07-2

CARRIED

7.3 Resource Consents Manager's Annual Report

Resource Consents Manager Phil Doole spoke to his report which was taken as read.

Mr Doole advised there was one correction to his report relating to the discount figures. Paragraph 1.2 and 6.2 deal with discounts on processing fees. We have had 58 consents not 56, therefore 35 discounts instead of 34. Overall is \$28.5K, \$31K last year. 4.5% over time. Overall, the result is fairly similar to last year.

Councillors thanked Mr Doole for his report and noted his area in Council provides the most requests from residents.

A discussion occurred around issues raised by neighbours and our process of dealing with complaints. Mr Doole advised that the complainant should go to the source and see if they can work it through. His staff are happy to see all views go back to staff who are processing the consent. The challenge is where work is being contracted out which does create an extra step.

Mayor King rejoined the meeting at 11.31am.

In response to a question on objections on some water permits, Mr Doole advised it was the intention to resolve them prior to the next irrigation season if they could without needing to go to a hearing. Councillors requested feedback prior to the irrigation season.

Cr Bryant left the meeting at 11.45am

In response to retrospective consents, it was raised whether there is a policy around letting activities continue. Mr Bush-King explained all cases are different so a blanket answer is not possible. Staff look at the circumstance, the effects, any risks but the law enables people to apply when they are caught out.

Cr Hill abstained from voting and left the meeting at 11.10am.

**Moved Cr Ogilvy/Cr Butler
RCN20-07-6**

That the Regulatory Committee receives the Resource Consents Manager's Annual Report RRCN20-07-3;

CARRIED

Cr Hill returned at 11.18am.

7.4 Chairperson's Report

Cr Wensley presented the Chairperson's report which was taken as read.

Cr Wensley spoke about the Climate Forum advising she had attended their forum and highlighted they want to be solution and actioned oriented and data driven.

There was discussion around the amendment to the dog control bylaw. Mr Bush-King advised the Motueka Community Board's position will be reported to the next Committee meeting.

Mayor King left the meeting at 11.56am

Moved Cr Maling/Cr Butler

RCN20-07-7

That the Regulatory Committee receives the Chairperson's Report RRCN20-07-4.

CARRIED

7.5 Environment and Planning Manager's report

Environment & Planning Manager, Mr Dennis Bush-King spoke to his report which was taken as read.

Policy Planner, Natural Resources Ms Diana Worthy spoke to the proposed submission on the national Environmental Standard on Air Quality. Ms Worthy highlighted the balancing act needed around the desire to have air quality that doesn't impact negatively and the cost of that and how we would meet our obligations.

Councillors considered the submission needed to be stronger and to emphasise the known health effects of poor air quality on our community.

Mr Bush-King explained the need for amendments to the Delegation Register. It was noted the Deputy Chairs should be consulted about referral projects under the Covid-19 (Fast Track Consenting) Act if the Chairs are unavailable.

It was noted Cr Maling is a member of Fish & Game so removed himself from this discussion but the Committee agreed not to make a submission on the review.

Moved Cr Wensley/Cr Turley

RCN20-07-8

That the Regulatory Committee:

1. Receives the **Environment and Planning Manager's report RC20-07-5;**
2. receives and notes the submission on Covid-19 Recovery (Fast Track Consenting) Bill, Attachment 1 of this Report RC20-07-05;
3. receives and agrees to the submission on National Environmental Standard on Air Quality, Attachment 2 of this Report RC20-07-05 subject to amending it to reflect a greater need to improve air quality with less emphasis on balancing the cost;
4. Agrees to amend the Delegation Register to delegate to staff the following powers:

Covid-19 Recovery (Fast Track Consenting) Act 2020	
Power to respond to and provide information to the Minister for the Environment, in consultation with	Activity Planning Manager Engineering Services Manager, Environment and Planning Manager,

the Mayor and Chair of Operations and Regulatory Committees
Resource Management Act
Powers to agree, and give notice, in relation to requests to suspend processing of consent applications

Manager Resource Consents
Consent Planner, Environment and Planning Manager, Principal Planner Resource Consents, Resource Consents Manager, Team Leader Land Use Consents, Team Leader Natural Resources Consents, Team Leader Resource Consents, Team Leader Subdivision Consents

5. Agrees to amend the Delegation Register to delegate powers currently delegated to the Resource Consent Manager to the Principal Planner – Resource Consents position as follows:

218	s.10(2)(b) Power to grant a time extension to existing use.
220	s.34A(1) Power to appoint and delegate the functions and powers of the Council to one or more Hearing Commissioners to hear and decide on any application for resource consent or to hear and recommend on any private plan change request that was accepted by Council. Such appointments shall be made following consultation with the Chairperson of the Regulatory Committee.
224	s.37 Power to extend or waive time periods.
227	s.41D The power to strike out a submission.
228	s.42 Power to respond to requests to protect sensitive information.
229	s.42A Power in relation to requiring or commissioning a report on any matter described in section 39(1).
234	s.87F Power in relation to providing a report on applications that are to be determined by the Environment Co
238	s.92(2) Power to commission report for further information.
240	ss.95, 95A & 95D

	Power to determine whether to publicly notify an application for resource consent, and to decide whether the activity will have, or is likely to have adverse effects on the environment that are more than minor.
241	ss.95A and 95D Power to determine whether to publicly notify an application for resource consent, including whether special circumstances exist.
243	s.97(4) Power to adopt an earlier closing date
245	s.99 Power to decline to process an application or to consider a submission under subsection (8).
246	s.99A Power to refer matters to mediation prior to a hearing.
247	s.100 Power to determine that a formal hearing is or is not needed in accordance with Section 100, except where the delegated officer is processing the application.
251	ss.104-104D, 106 & 107 Power to decline any resource consent application not requiring a hearing. Power to decline an application (including for a controlled activity) on the basis that it is considered that the Council has insufficient information to enable it to make a decision on the application.
253	ss.108A & 109 Power to make decisions in relation to bonds or covenants.
254	s.110 Power to authorise refund of money paid when activity does not proceed.
256	ss.114(7)&(8), s.116B Power to give notice in relation to applications involving an exchange of reserve land
257	s.119A Authority to allow staff to process changes and reviews to restricted coastal activity consents subject to criteria in the Act.
258	s.124 Power to permit the exercise of consent while applying for renewal.
259	s.125 Power to extend the period in which a resource consent lapses, except where the delegated officer processed the application.
260	s.126 Power to cancel unexercised consents.

261	s.127 Power to decide who is adversely affected by an application to change or cancellation of a consent condition.
262	ss.128-132 Power to initiate and determine a review of a resource consent, except if a hearing is required.
272	s.139A Power to issue existing use certificates.
276	s.149G Power in relation to providing a report to the Environmental Protection Agency when commissioned to do so.
280	ss.168A & 169 Power to decide whether to notify a notice of requirement for a designation.
285	ss.181 & 182(1) Power to agree to alter a designation.
287	s.182(5) Power to decline removal of designation.
288	s.184 Power to decide on lapsing of designations.
289	ss.189A & 190 Power to decide whether to notify a notice of requirement for a heritage order.
292	s.198BA In consultation with the Chairperson or deputy chair of the Regulatory Committee, power to grant or decline requests for requirements to be determined by the Environment Court instead of by the Consent Authority.
296	s.198BA In consultation with the Chairperson or deputy chair of the Regulatory Committee, power to grant or decline requests for requirements to be determined by the Environment Court instead of by the Consent Authority.
310	s.357D Power to uphold objections to conditions of consent where there is a favourable staff recommendation.

CARRIED

Councillor Hill abstained from voting on Resolution 6 above.

Councillor Maling abstained from voting on Resolution 8 above.

The meeting concluded at 12.24pm with a Karakia from Cr Hill.

Date Confirmed:

Chair:

Unconfirmed