



Notice is hereby given that a Meeting of the Regulatory and Consents Committee will be held on:

Date: **Wednesday, 25 July 2018**
Time: **9am**
Meeting Room: **Council Chambers**
Venue: **15 Forth Street, Invercargill**

Regulatory and Consents Committee Agenda OPEN

MEMBERSHIP

Chairperson	Gavin Macpherson Mayor Gary Tong
Councillors	Brian Dillon Paul Duffy Darren Frazer Julie Keast Neil Paterson

IN ATTENDANCE

Group Manager, Environmental Services	Bruce Halligan
Committee Advisor	Alyson Hamilton

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Full agendas are available on Council's Website
www.southlanddc.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 – Regulatory and Consents Committee

The Regulatory and Consents Committee is responsible for overseeing the statutory functions of the Council under the following legislation (but not limited to the following):

- Resource Management Act 1991
- Health Act 1956
- Food Act 2014
- Dog Control Act 1996
- Sale and Supply of Alcohol Act 2012
- Heritage New Zealand Act Pouhere Taonga Act 2014
- Building Act 2004
- Freedom Camping Act 2011
- Psychoactive Substances Act 2013
- Impounding Act 1955
- Southland Land Drainage Act 1935
- Southland Land Drainage Amendment Act 1938

The Regulatory and Consents Committee is delegated the authority to undertake the following functions in accordance with the Council's approved delegations register:

- (a) Maintain an oversight of the delivery of regulatory services;
- (b) Conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding matters it is legally unable to make decisions on as legislated by the Resource Management Act 1991);
- (c) Appoint panels for regulatory hearings;
- (d) Hear appeals on officer's decisions to decline permission for an activity that would breach the Southland District Council Control of Alcohol Bylaw 2015;
- (e) Approve Council's list of hearings commissioners (from whom a commissioner can be selected) at regular intervals and the Chief Executive Officer be authorised to appoint individual Commissioners for a particular hearing;
- (f) Make decisions on applications required under the Southland District Council's Development and Financial Contribution Policy for remissions, postponements, reconsiderations and objections;
- (g) Approve Commissioners and list members under the Sale and Supply of Alcohol Act 2012;
- (h) Exercise the Council's powers, duties and discretions under the Sale of Liquor Act 1989 and the Sale and Supply of Alcohol Act 2012;
- (i) Hear objections to officer decisions under the Dog Control Act 1996.
- (j) Hear objections and decide on matters under the Southland Land Drainage Act 1935 and Southland Land Drainage Amendment Act 1938.

The Regulatory and Consents Committee shall be accountable to Council for the exercising of these powers.

The Regulatory and Consents Committee is responsible for considering and making recommendations to Council regarding:

- (a) Regulatory policies and bylaws for consultation;
 - (b) Regulatory delegations;
 - (c) Regulatory fees and charges (in accordance with the Revenue and Financial Policy)
 - (d) Assisting with the review and monitoring of the District Plan.
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1 Apologies

At the close of the agenda no apologies had been received.

2 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

3 Conflict of Interest

Committee 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.

4 Public Forum

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on www.southlanddc.govt.nz or phoning 0800 732 732.

5 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the committee to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) the reason why the item was not on the Agenda, and
- (ii) the reason why the discussion of this 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."

6 Confirmation of Minutes

6.1 Meeting minutes of Regulatory and Consents Committee, 10 May 2018



Regulatory and Consents Committee

OPEN MINUTES

Minutes of a meeting of Regulatory and Consents Committee held in the Council Chambers, 15 Forth Street, Invercargill on Thursday, 10 May 2018 at 9.03am.

PRESENT

Chairperson	Gavin Macpherson
	Mayor Gary Tong
Councillors	Brian Dillon
	Paul Duffy
	Darren Frazer

IN ATTENDANCE

Group Manager, Environmental Services	Bruce Halligan
Committee Advisor	Alyson Hamilton
Team Leader Resource Management	Marcus Roy
Senior Resource Planner – Policy	Rebecca Blyth

1 Apologies

Apologies were received from Councillor Keast and Councillor Paterson.

Moved Mayor Tong, seconded Cr Duffy and **resolved:**

That the Regulatory and Consents Committee accept the apologies.

2 Leave of absence

There were no requests for leave of absence.

3 Conflict of Interest

There were no conflicts of interest declared.

4 Public Forum

There was no public forum.

5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

6 Confirmation of Minutes

There were no minutes for confirmation.

Reports for Recommendation

7.1 Cost objection for Resource Consents 17/231 and 18/17 - Fiordland Trails Trust - Legs 3, 4 and 6 - Queens Reach to Balloon Loop and Supply Bay Road to Manapouri Township

Record No: R/18/5/10243

Team Leader, Resource Management, Marcus Roy was in attendance for the item.

Mr David Boniface on behalf of the Fiordland Trails Trust addressed the meeting expressing his concern at the costs incurred for the resource consent application and sought Committee consideration of a reduction of the said costs.

Resolution

Moved Chairperson Macpherson, seconded Mayor Tong **recommendation a and b with amendments (as indicated with an underline and ~~striketrough~~) and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Cost objection for Resource Consents 17/231 and 18/17 - Fiordland Trails Trust - Legs 3, 4 and 6 - Queens Reach to Balloon Loop and Supply Bay Road to Manapouri Township" dated 4 May 2018.**
- b) **~~Provides~~ Recommends to Council that there is no reduction in processing costs for Resource Consents 17/231 and 18/17 relating to the Fiordland Trails Trust.**

Reports

8.1 Consequential Amendments to Southland District Plan arising from National Environment Standards-Plantation Forestry 2017

Record No: R/18/4/8838

Team Leader, Resource Management, Marcus Roy and Senior Policy Analyst, Rebecca Blyth were in attendance for this item.

Resolution

Moved Cr Duffy, seconded Cr Dillon **recommendations a and b, with a new c (as indicated with a underline) and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Consequential Amendments to Southland District Plan arising from NES-Plantation Forestry 2017" dated 5 May 2018.**
- b) **Notes the amendments to the District Plan as being for the Committees information.**
- c) **Requests staff to prepare a draft letter to be presented to the Committee for consideration and review prior to forwarding to the Ministry of Environment, which outlines the Committees concerns that the National Environmental Standards - Plantation Forestry Regulations 2017 that came into effect on 1 May 2018 and that the regulation will override in most cases the rules that relate to forestry and associated forestry activities contained in the Southland District Council District Plan.**

The meeting concluded at 9.55am

CONFIRMED AS A TRUE AND CORRECT RECORD AT A
MEETING OF THE REGULATORY AND CONSENTS
COMMITTEE HELD ON THURSDAY, 10 MAY 2018.

DATE:.....

CHAIRPERSON:.....

Catlins Freedom Camping Shared Service

Record No: R/18/5/10790
Author: Michael Sarfaiti, Environmental Health Manager
Approved by: Bruce Halligan, Group Manager Environmental Services

☐ Decision ☒ Recommendation ☐ Information

Purpose

- 1 To give the Committee an opportunity to endorse the continuation of the Shared Service.

Executive Summary

- 2 Southland District Council (SDC), the Department of Conservation (DoC) and the Clutha District Council (CDC) completed the first season of a freedom camping Shared Service in the Catlins from November 2017 to April 2018. Staff from the three authorities advise that the service was successful, and that it ran within budget. High levels of compliance were observed, and staff recommend the continuation of the service.

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Catlins Freedom Camping Shared Service " dated 18 July 2018, as information.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Endorses the continuation of the Shared Service, and the additional funding allocated for this service in the Long Term Plan budget.**

Background

- 3 Last year DoC initiated discussions with Clutha District Council (CDC) staff, and the author, concerning a freedom camping Shared Service for the Catlins, similar to the one in Te Anau.
- 4 The proposed Shared Service was endorsed by Councillors Duffy and Keast, and budgets approved. In a separate paper to Council, Council approved such services to be funded from rates and infringement fines, with no local contributions.
- 5 DoC volunteered to manage the service for the 2017/2018 season. The service effectively mirrored the service in Te Anau, as advised by the author.

Regulatory and Consents Committee
25 July 2018

- 6 Each of the three partners contributed \$15,000; to fund a Ranger (Mr Scott Martin) and a vehicle (a ute loaned by CDC). Venture Southland provided assistance with the design of the flyers, along with representatives from Catlins Coast Inc.
- 7 The patrols involved three runs (Central (1), Northern (2), and Southern(3)), and were Thursday to Monday, in two shifts (1.00pm to 5.00pm and 6.00pm to 10.00pm), as follows:

Day	Shift	Run Number
Day 1	Afternoon	1
Thursday	Evening	2
Day 2	Afternoon	3
Friday	Evening	1
Day 3	Afternoon	2
Saturday	Evening	3
Day 4	Afternoon	1
Sunday	Evening	2
Day 5	Afternoon	3
Monday	Evening	1

- 8 At the end of the season Mr Martin's advice/recommendations were:
- a) Tautuku – some signage required here. Confusing area for campers-mixed ownership.
 - b) Donation boxes could be put in at some sites.
 - c) More rubbish facilities required in the CDC area. SDC covers this aspect well.
 - d) A designated freedom camping site in the CDC area.
 - e) DoC to make a decision on whether the Waipohatu area ought to be openly promoted as a freedom camping site.
- 9 Staff believe that the pilot project was a success and the educational approach worked well.
- 10 The author completed two late night/early morning patrols for an indication of the level of compliance; results were:

Site	27/28 January 2018	8/9 March 2018
Fortrose	30 vehicles, 2 outside the area (one either side of the fence between the designated site and the toilets)	18 vehicles, 6 outside the designated area (in the toilets area) – no need as there was plenty of room at the designated site
Tokanui	No camper vehicles seen	No camper vehicles seen
Niagara NZMCA camping ground	1 vehicle	10 vehicles
Waikawa	16 vehicles, including 34 cars/SUVs. All in designated area.	20 vehicles, no cars/SUVs. All in designated area.
Curio	No vehicles in carpark	No vehicles in carpark
Waipohatu (DoC site)	3 vehicles	4 vehicles
Weirs Beach	About 50 vehicles and 10 tents. One van with 3 small tents beside it, outside of the designated area by the water	About 65 vehicles and 5 tents. Two vans outside of the designated area by the water (I didn't check whether they had self-contained warrants)
Slope Point	No campers	No campers
Waipapa (DoC site)	One van.	One campervan.

- 11 The level of compliance overall was very good.
- 12 Statistical information collected by Mr Martin is in Attachment A.

Issues

Infringements

- 13 DoC staff were not supportive of issuing infringements during a late night/early morning patrol, and any SDC insistence on doing so would have de-railed the Shared Service. An option for the pilot season was, and for the next season is, for SDC to arrange a separate service in addition to the Shared Service.
- 14 Given the author's observations of the high level of compliance, a separate infringement run is not considered to be currently warranted. Should the level of compliance become a problem, then this can be revisited.

Trends

- 15 The following are the key findings from the statistics collected:
- Almost half of the visitors were under 30 years of age;
 - The number of self-contained vs non-self-contained was about 50:50 (not taking into account the number of self-contained may be lower, if the self-contained warrants were either fraudulent or issued negligently);
 - Over $\frac{3}{4}$ of visitors were overseas tourists spending between 1 to 3 days.

Factors to Consider

Legal and Statutory Requirements

- 16 The provision of enforcement services are enabled under the Freedom Camping Act 2011, though not required.

Community Views

- 17 The service had the full support of the Catlins Community under the umbrella of Catlins Coast Inc.

Costs and Funding

- 18 The project has cost less than anticipated or budgeted for and the contribution could possibly be reduced next season even with the fact of commencing earlier. DoC has estimated a refund of around \$7,000 to each Council; and estimates that the cost of the service next season will be about \$10,000 for each Council.
- 19 The budget for freedom camping services has been increased from \$25,000 (in 17/18) to \$45,000 (from 18/19 onwards), to incorporate the costs of the Catlins shared service, and also services in Lumsden.

Policy Implications

- 20 There are no policy implications.

Analysis of Options

Option 1 – Endorse the continuation of the Shared Service

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• To help to maintain the current high levels of compliance• Catlins Coast Inc. supportive of the service	<ul style="list-style-type: none">• There is a cost for the provision of the service

Option 2 – Discontinue the Shared Service

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Cost savings• It is possible that high levels of compliance could continue without the Shared Service	<ul style="list-style-type: none">• None

Assessment of Significance

- 21 Not significant.

Recommended Option

- 22 Option 1 – Endorse the continuation of the Shared Service

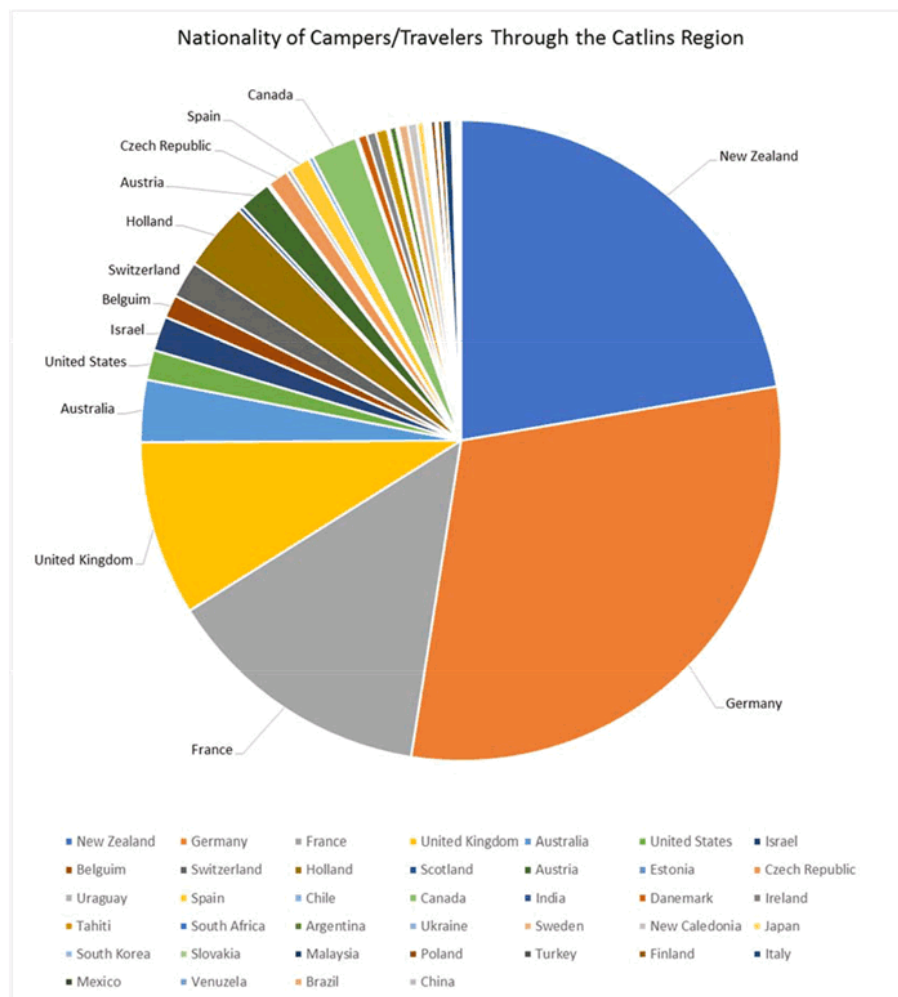
Next Steps

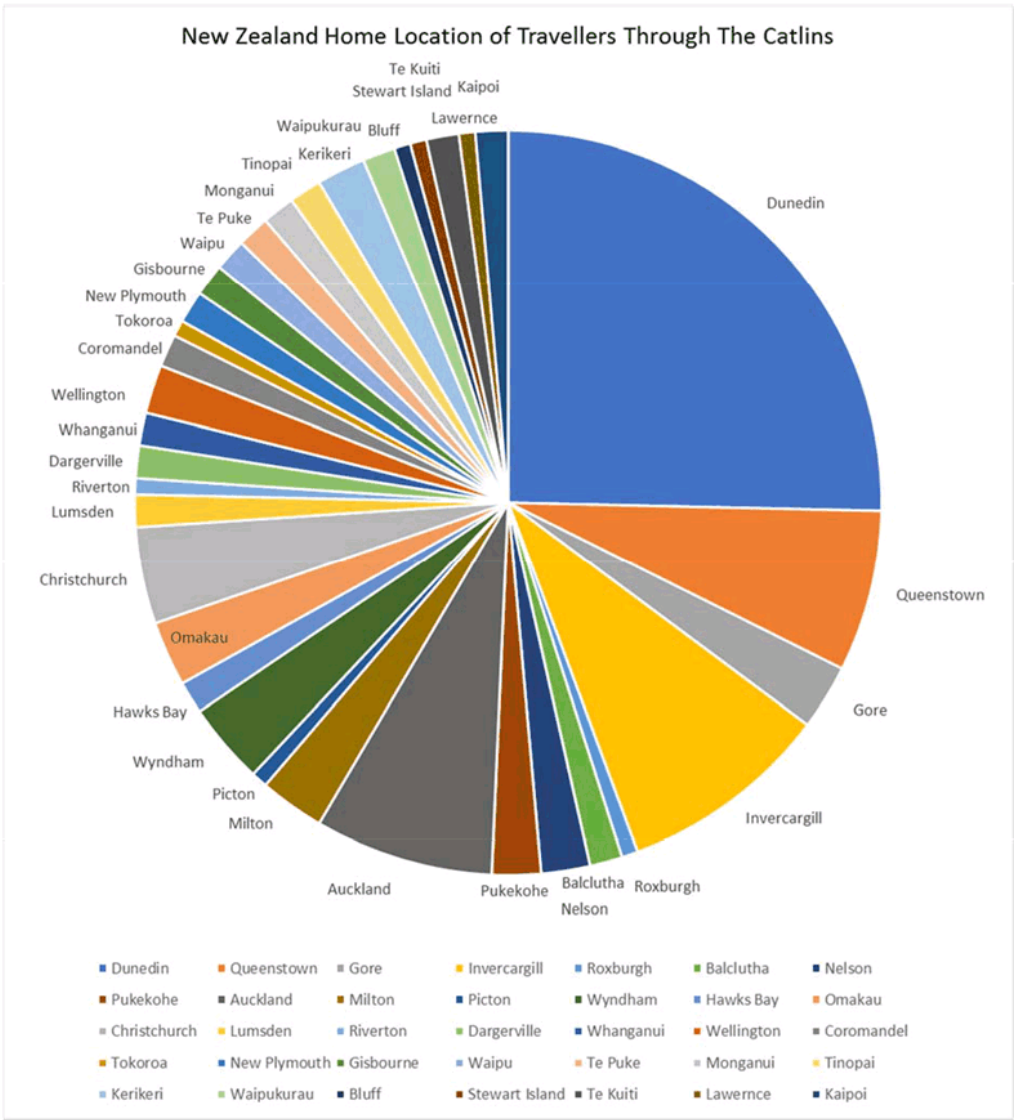
- 23 Staff have indicated to DoC that SDC is likely to want to continue with the Shared Service next season, having already been budgeted for.
- 24 Mr Martin has advised that he will be available for the role again next season. DoC staff have indicated that it is likely DoC will support the continuation of the project, and also the day to day running of the service next season. CDC staff will seek further funding from their Council for the service soon.
- 25 The pre-season planning meeting of the three agencies will be held in around August/September 2018.

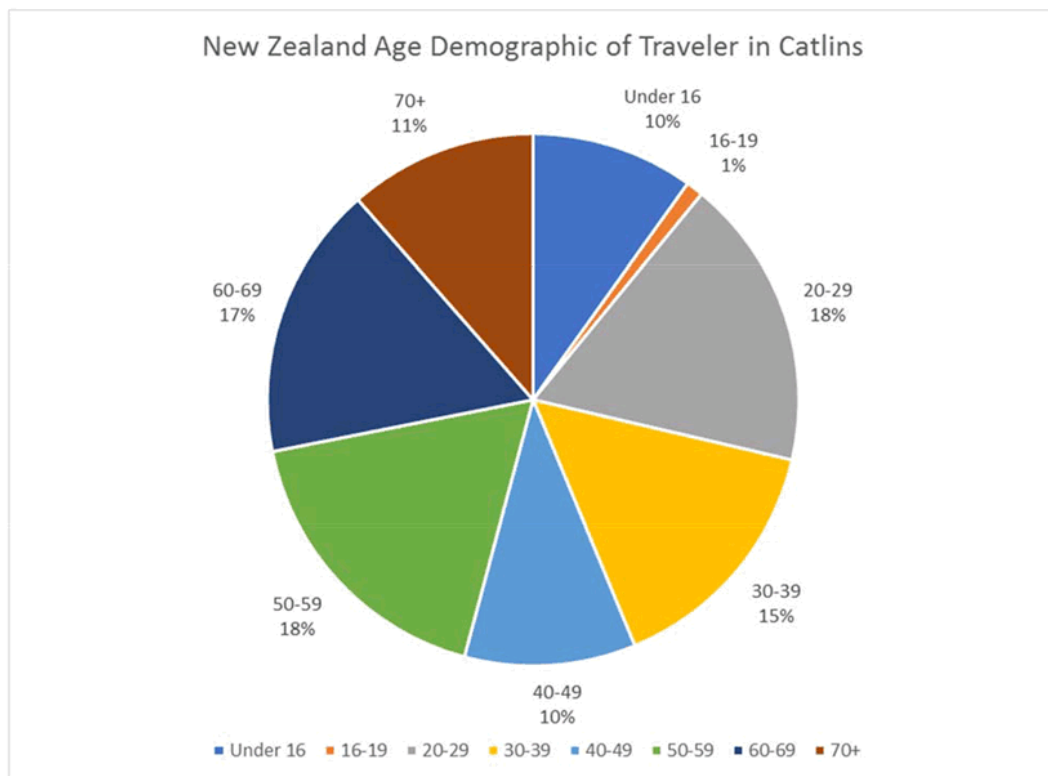
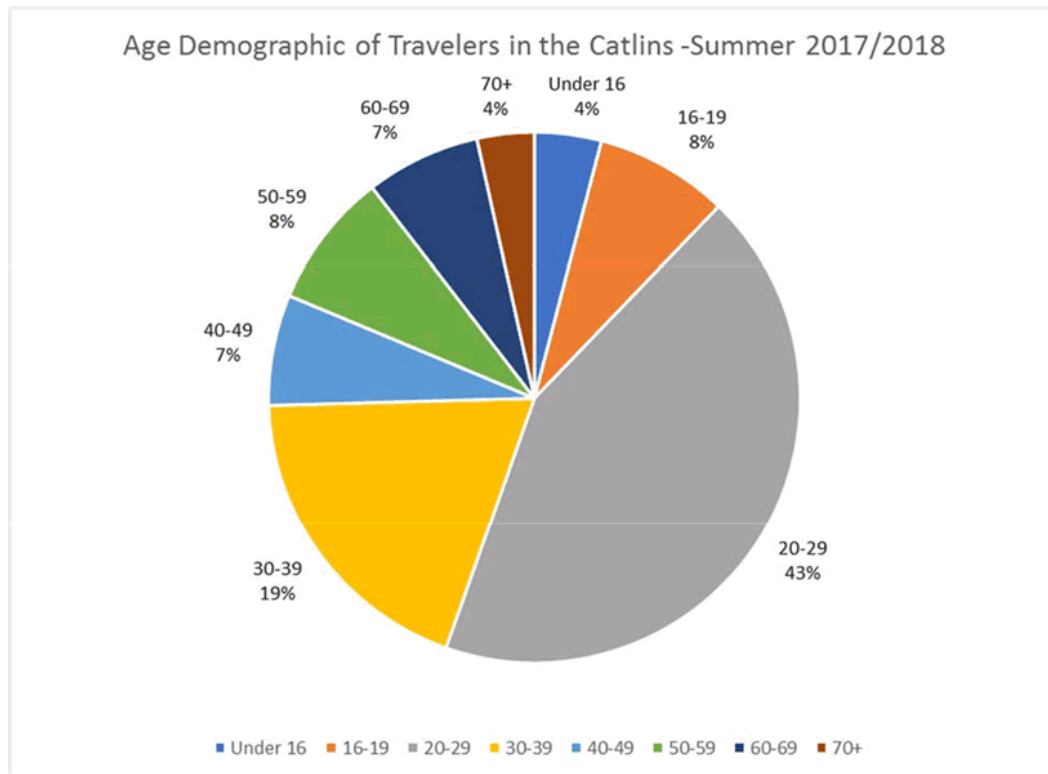
Attachments

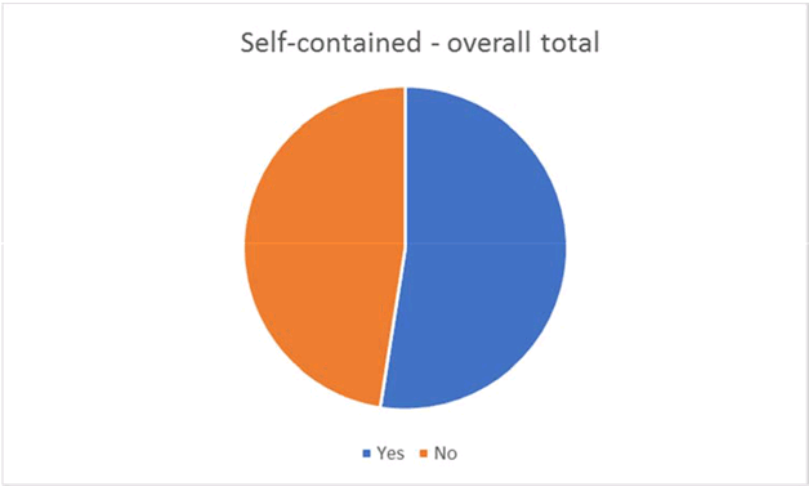
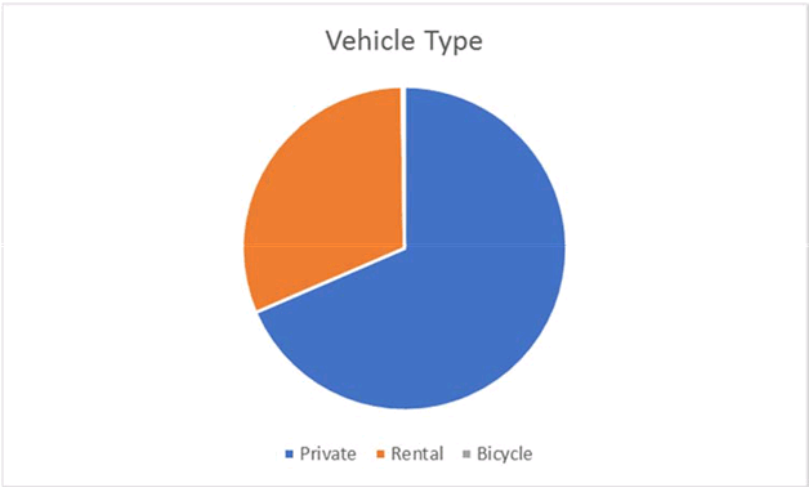
- A Attachment A - Statistical information gathered by Catlins Freedom Camping Ranger [↓](#)

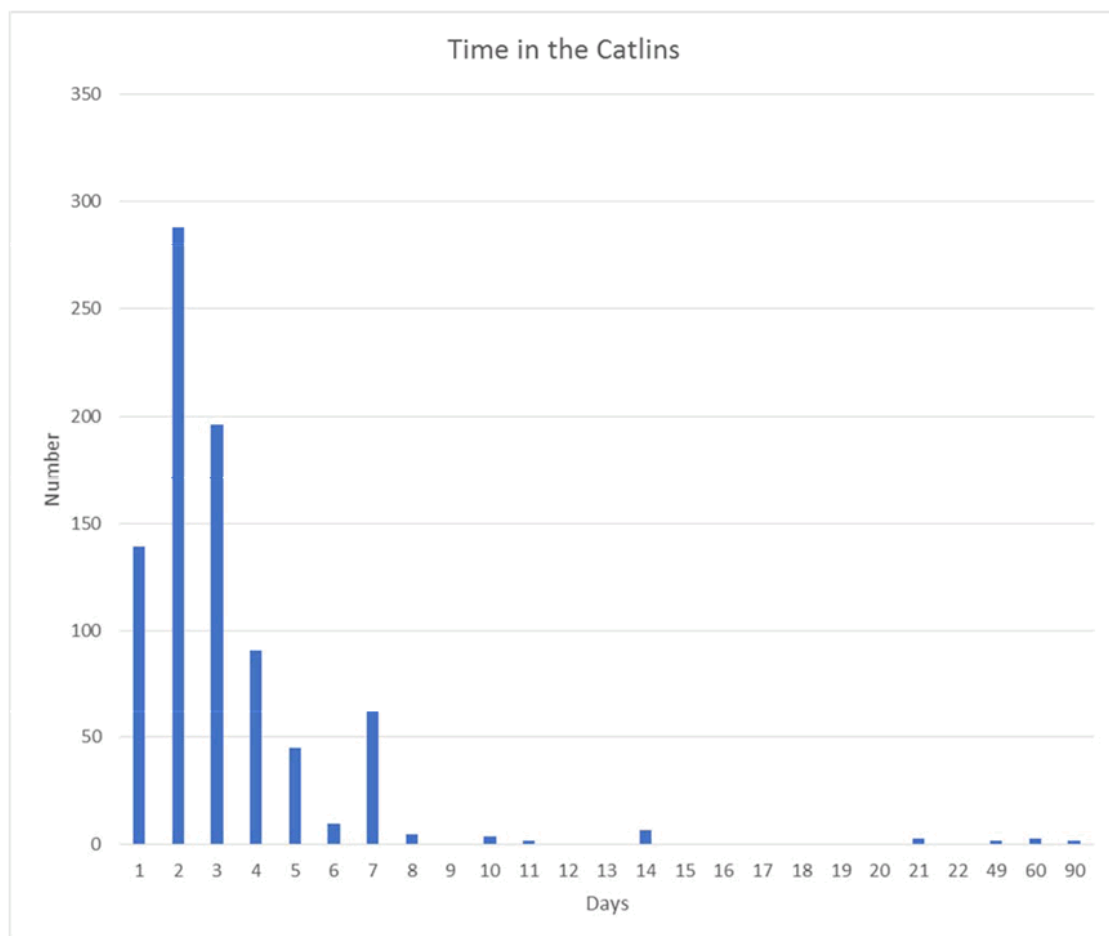
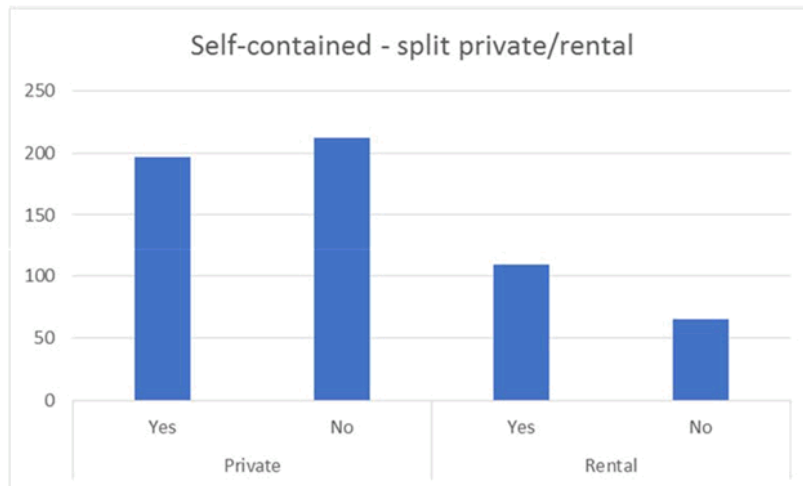
Attachment A – Statistical Information Collected from the Ranger











Environmental Services Group Update

Record No: R/18/7/16522

Author: Bruce Halligan, Group Manager Environmental Services

Approved by: Bruce Halligan, Group Manager Environmental Services

☐ Decision

☐ Recommendation

☒ Information

Introduction

1. The purpose of this report is to update the Committee on key matters within the Environmental Services Group, since the previous meeting of the Committee.

Key Matters

Predator Free Rakiura

2. Southland District Council (SDC) is a participant in the Predator Free Rakiura (PFR) initiative, with the Group Manager of Environmental Services being the SDC representative on the PFR Leadership Group.
3. The PFR Leadership Group is chaired by Mr Paul Norris of Real Journeys and has representation from the Tangata Whenua, Stewart Island/Rakiura residents, Rakiura Maori Land Incorporation, the fishing industry, hunters, the Department of Conservation, SDC and Environment Southland.
4. In early 2018, PFR received funding from the Ministry of Business Innovation and Employment towards the creation of a PFR Project Leader, with the key aims of this role being to raise the profile of PFR and to develop some predator free projects to the point where they could be attractive for external investment.
5. Council will administer the funding for this multi- agency project.
6. The Group Manager of Environmental Services coordinated the recruitment process to engage a Project Manager, which has resulted in Bridget Carter being appointed to the position, commencing 6 August 2018. Bridget is a resident of Stewart Island/Rakiura and brings strong environmental and engagement skillsets to the position.
7. The next meeting of the PFR Leadership Group is on Stewart Island/Rakiura on 24th July 2018.
8. The MBIE funding regime requires regular reporting- back to MBIE on progress and milestones, and this reporting will be coordinated through the Group Manager of Environmental Services.

Consent Activity

9. Consent activity within the Group has remained reasonably strong throughout the winter period so far, with building consents continuing to be received at a rate of approximately 30 a week on average and resource consent activity also being reasonably buoyant with several more significant scale applications in the system.

10. Overall, building consent numbers for the 2017/2018 financial year were up from 991 in 2016/17 to 1033 for 2017/18 year. The value of consented work was up from \$77.3 m to \$103.6 m.

Building (Earthquake Prone Buildings) Amendment Act 2016 implementation

11. Council has important statutory duties in terms of giving effect to the Building (Earthquake Prone Buildings) Amendment Act 2016.
12. One of these is the identification of Priority Buildings which have a tighter time frame for strengthening, which is required to be undertaken via community consultation. The first meeting to discuss this will be held in Te Anau on 18th July at 5.30pm.

Winton Dog Attack

13. As Committee members will be aware, a young man was attacked while walking in Winton by two Rottweilers in mid-June. The two dogs involved were subsequently surrendered by the owners and destroyed.
14. Council's Animal Control team has been working through a structured investigation process. It has taken some time to obtain formal statements from all relevant parties and obtain legal advice.

RD Petroleum Resource Consent for new 24 hour fuel stop in Lumsden:

15. The Resource Management team processed a resource consent for the above facility, which received several submissions of opposition from nearby residents, mainly in relation to noise concerns.
16. The application and submissions thereto were heard and considered by an independent accredited Resource Management Hearing Commissioner Mr Allan Cubitt of Dunedin, and the consent was granted by Mr Cubitt subject to a series of conditions. The appeal period for this consent has now run out and no appeals have been received.

IAN Reaccreditation

17. As per previous reports, work is continuing on preparing the Building Solutions area for the next International Accreditation New Zealand (IANZ) audit scheduled for March 2019.
18. Results of other recent audits have been closely scrutinised in order to take the learnings on key focus areas from these, and process documentation is being more clearly ordered electronically. A cross-department project team has been established to assist with this audit preparation process.

Te Roopu Taiao Hui June 2018

19. Southland District Council hosted the most recent Te Roopu Taiao Hui in June, which was well attended by the Tangata Whenua and Councils.
20. The implications for Iwi of the National Planning Standards (which are referred to below) was discussed, and another key point from discussions is that the Ngai Tahu (Murihiku) Resource Management Plan "Te Tangi a Tauira" is due for review and there is some potential for synergies between this review and the work required by all Councils to give effect to the National Planning Standards.

Dog Registration Process for 2018/2019

21. The Animal Control team is currently in the midst of the 2018/2019 dog registration process.
22. With circa 13,500 dogs in the District, this is a significant administration process which traverses across a range of teams, not just the Animal Control team.
23. Following a review of 2017/2018 processes (the first year under the tiered fees regime which incentivises neutering, fencing and microchipping), a number of efficiency changes have been made to this process, including a strong emphasis on encouraging online registration which creates a number of administration efficiencies.
24. At the time of writing, approximately 40% of dogs have been registered and approximately a third of these have been registered on-line.

Whakamana te Waituna Trust

25. As Committee members are aware, Councillors Duffy and Keast are Council's representatives on the Whakamana te Waituna Trust, and the Group Manager of Environmental Services is Council's representative on the Joint Officials Group. Nikki Tarbutt of Environment Southland has been appointed as project manager and this position provides an important focus to progression of the various work streams.
26. The Trust has held its first two meetings, with the second meeting being held at the Gorge Road Country Club on 21 June 2018.
27. This meeting was preceded by a very useful tour of the catchment, and followed by a well-attended public meeting which was aimed to update the community on progress.

Draft National Planning Standards

28. The Ministry for the Environment has released a series of 18 draft National Planning Standards, which are open for submissions until 17 August 2018.
29. These National Planning Standards flow from recent Resource Management Act amendments and seek to "*provide national consistency for the structure, form, definitions and electronic accessibility of RMA plans and policy statements to make them more efficient and easier to prepare and use*" (a quote from MFE) , which certainly seems a laudable goal.
30. Southland Councils are taking a shared, collaborative approach to providing feedback, with a staff working party formulating a draft joint submission, which is currently out for consideration by the respective participant Councils.

Workshop with Tim Walker – Southland Museum and Art Gallery

31. On 7th June 2018, several Councillors attended a workshop with Mr Tim Walker, the consultant engaged by the Southland Museum and Art Gallery Trust to advise on the Trust's future direction. This was a useful discussion in which Mr Walker posed a series of questions to Councillors to seek their feedback and help inform his work.

Waikaia Museum Redevelopment

32. Roving Museum Officer Johannah Massey has been working very closely with the Waikaia Museum redevelopment, with this now entering a very exciting phase. The redeveloped museum is nearing completion, a fantastic community effort, and is aiming for a spring opening (formal date yet to be confirmed).

Relocation of Building Solutions Officer to Te Anau

33. Will Palmer, Building Solutions Officer has relocated from Invercargill to Te Anau as of 9 July 2018 to boost Council's resources in one of the key growth areas of the District. This will reduce travel time and associated health and safety risks, and assist Lindsay Pearce in managing workloads in this area.

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Environmental Services Group Update" dated 18 July 2018.**

Attachments

There are no attachments for this report.

Sale and Supply of Alcohol Act 2012 - Delegation

Record No: R/18/7/16789

Author: Michael Sarfaiti, Environmental Health Manager

Approved by: Bruce Halligan, Group Manager Environmental Services

☒ Decision

☐ Recommendation

☐ Information

Purpose

1. To give the Committee an opportunity to discuss a proposed amendment to the delegations list under the Sale and Supply of Alcohol Act 2012.

Executive Summary

2. On 18 June 2018 following consideration of the report “Sale and Supply of Alcohol Act 2012 – Delegation”, Council delegated some of its powers to consider and decide on certain alcohol licensing applications. This has already created efficiencies and benefits for customers. Staff recommend that Special Licences are added to this list of delegations, to add further efficiencies.

Recommendation

That Regulatory and Consents Committee:

- a) **Receives the report titled “Sale and Supply of Alcohol Act 2012 - Delegation” dated 12 July 2018.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Recommends to Council that the following delegation be added to the delegations to staff made by Council resolution on 18 June 2018 in the report “Sale and Supply of Alcohol Act 2012 – Delegation”.**

Key

CEO	Chief Executive Officer
GMES	GM – Environmental Services
LI	Licensing Inspector
CLI	Chief Licensing Inspector
CSOR	Customer Services Officer - Regulatory

Sale and Supply of Alcohol Act 2012		
Section 187(a)	To consider and determine applications for special licenses	CEO, GMES, CLI, LI, CSOR

Background

3. Following a report to Council on 18 June 2018 “Sale and Supply of Alcohol Act 2012 – Delegation”. This report is in **Attachment A**. Council approved the recommendations of the report and delegated some of its powers to consider and decide on certain alcohol licensing applications. This was in the interests of improving how we work, efficiency, and our service to customers.
4. The author proposes to recommend to Council to add Special Licenses to these delegations, as it is considered that this delegation will have similar benefits to the existing delegations.

Issues

What Decisions Council May Wish to Delegate

5. The legal advice included in the report on 18 June set the following parameters, both (a) and (b) below being extracts from the legal advice received:
 - a) *“Provided the Committee delegates routine and unopposed applications to staff, then the risk of a formal legal challenge to those decisions seems low level.”*
 - b) *“My only concern is the situation where staff decided that the application under either s.137 (3) or 208 should not be granted. To avoid any potential difficulties, I think that in those circumstances, the application and the staff recommendation should be referred to the Chair.”*
6. The applications to be delegated then should be those that are unopposed, routine; and not include a delegation to decline any application, or to reduce the renewal period of any certificate or licence.
7. Accordingly, the additional delegation in the recommendation of this report is considered suitable.

Factors to Consider

Legal and Statutory Requirements

8. Council’s legal advice enables Council to accept the proposed recommendation.

Community Views

9. This is an operational matter and does not required community feedback.

Costs and Funding

10. A delegation will reduce the time required by the Chair to consider routine applications, and this will reduce costs on the Business Unit.

Policy Implications

11. There are no policy implications.

Options Considered

Analysis of Options

Option 1 – Amend the delegation to include Special Licenses

Advantages	Disadvantage
<ul style="list-style-type: none">• Efficiency• Faster processing of applications• Cost savings• Improved customer service	<ul style="list-style-type: none">• Less exposure of the Chair to alcohol licensing. This could be mitigated by copying the Chair into all decisions.

Option 2 – Status Quo

Advantages	Disadvantage
<ul style="list-style-type: none">• Chair has more regular exposure to alcohol licensing	<ul style="list-style-type: none">• Opposite to advantages above.

Assessment of Significance

12. Not significant.

Recommended Option

13. Option 1 – Recommend to Council to amend the delegations in accordance with the recommendation of this report.

Next Steps

14. If the Committee has no objection, a report will be presented to Council on 8 August 2018 to consider Option 1 is adopted.

Attachments

- A Report to Council - 18 June 2018 - Sale and Supply of Alcohol Act 2012 - Delegation [↓](#)

Council
18 June 2018



Sale and Supply of Alcohol Act 2012 - Delegation

Record No: R/18/5/10561
Author: Michael Sarfaiti, Environmental Health Manager
Approved by: Bruce Halligan, Group Manager Environmental Services

☒ Decision ☐ Recommendation ☐ Information

Purpose

1. To consider delegating certain decisions to staff.

Executive Summary

2. Council is able to delegate some of its powers to consider and decide on certain alcohol licensing applications. Staff are recommending that Council makes a delegation in the interests of improving how we work, efficiency, and our service to customers.

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Recommendation

That Council:

- a) Receives the report titled "Sale and Supply of Alcohol Act 2012 - Delegation" dated 10 June 2018.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Makes the following delegation under clause 32, Schedule 7 Local Government Act 2002: All of the functions or powers listed in the following table are delegated to the staff indicated in the table. The delegated officers do not have the power to sub-delegate.

Key

CEO	Chief Executive Officer
GMES	GM – Environmental Services
LI	Licensing Inspector
CLI	Chief Licensing Inspector
CSOR	Customer Services Officer - Regulatory

LEGISLATION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
Sale and Supply of Alcohol Act 2012		
Section 187(a)	To consider and determine applications for manager's certificates	CEO, GMES, CLI, LI, CSOR
Section 187(b)	To consider and determine applications for renewal of licences	CEO, GMES, CLI, LI, CSOR
Section 187(b)	To consider and determine applications for renewal of manager's certificates	CEO, GMES, CLI, LI, CSOR

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Section 187(c)	To consider and determine applications for temporary authority	CEO, GMES, CLI, LI, CSOR
Section 137(2)	Accept late application for special licence	CEO, GMES, CLI, LI, CSOR
Section 208	To waive certain omissions	CEO, GMES, CLI, LI, CSOR
Limitations	<p>These delegations are subject to these limitations which staff cannot decide:</p> <ul style="list-style-type: none"> a. Consider or decide on any opposed applications, or applications subject to public objection. b. Consider or decide on any waivers that do not meet any agreed criteria within the SEAL reference document. c. Decline, suspend, or cancel any application or licence or certificate. d. Vary any licence without the consent of the licence holder. e. Reduce the term of renewal of any certificate or licence f. Decide on any application that any reporting agency requests to be considered by the District Licensing Committee. g. Any application which the GM – Environmental Services decides should be considered by the District Licensing Committee. 	

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Background

3. Staff were developing a procedure to process late applications for special licences, and legal advice was sought from Barry Slowley to confirm its validity. This was one of 5 projects being undertaken by the local alcohol reporting agencies liaison group (the SEAL group), and Southland District Council took responsibility for this project.
4. Barry Slowley's advice included:

“Section 203 (9) of the Act allows the Committee to regulate its procedure in such manner as it thinks fit, subject to any provisions of the Act or regulations. There is nothing in the Act or regs that I can find that prevents the Committee from allowing staff to process and decide on the applications without involving the Committee or the Chair. My only concern is the situation where staff decided that the application under either s.137 (3) or 208 should not be granted. To avoid any potential difficulties, I think that in those circumstances, the application and the staff recommendation should be referred to the Chair.”
5. Further clarification was sought from Mr Slowley whether this could be extended to for instance, deciding on unopposed manager's renewal applications, and he replied in the affirmative.
6. The author was not aware that the Committee could make such a delegation; and then put a post on the Licensing Inspector's email forum, that unfortunately shed no light.
7. Realising that such a delegation could have significant impacts on costs and efficiency, a second opinion was sought from Michael Garbett of Anderson Lloyd. He confirmed that the Committee is able to make such a delegation, his advice is in Attachment A.
8. Later, discussions were held with Mr Garbett, Ms Clare Sullivan, Council's Governance and Democracy Manager, and Mr Bruce Halligan, GM Environmental Services, concerning which legal entity should make the delegation; the valid options being either Council, the Regulatory and Consents Committee, or the District Licensing Committee. It was decided that Council would be the entity to consider this recommended delegation, as this option most effectively mitigates against the risk of challenge.

Issues

What decisions Council may wish to delegate

9. The legal advice sets the following parameters, both (a) and (b) below being extracts from the legal advice received:
 - a) *“Provided the Committee delegates routine and unopposed applications to staff, then the risk of a formal legal challenge to those decisions seems low level.”*
 - b) *“My only concern is the situation where staff decided that the application under either s.137 (3) or 208 should not be granted. To avoid any potential difficulties, I think that in those circumstances, the application and the staff recommendation should be referred to the Chair.”*
10. The applications to be delegated then should be those that are unopposed, routine; and not include a delegation to decline any application, or to reduce the renewal period of any certificate or licence.

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11. Accordingly, the delegations as drafted in the recommendation of this report is considered suitable.
12. This means that the District Licensing Committee will retain the consideration of all applications for on, off, and club licenses, along with any opposed applications, or applications that are considered to require District Licensing Committee consideration.
13. A limitation has been included to permit the GM - Environmental Services to decide whether an application that is within the delegation of staff, should still be considered by the District Licensing Committee.
14. Initially, it is proposed that the CSORs will consider and determine manager's renewals; and other types of applications will be considered and determined by the GM - Environmental Services, or in his absence the CLI. It is anticipated the GM – Environmental Services will allocate work among those with these delegations where appropriate. However, the delegation as drafted permits maximum flexibility.

Factors to Consider

Legal and Statutory Requirements

15. Council's legal advice enables Council to accept the recommendation of this report.

Community Views

16. This is an operational matter and does not required community feedback. However, an important factor in seeking these delegations is to improve processing times and efficiency for routine unopposed applications and thereby enhance service to the customer and the community.

Costs and Funding

17. A delegation will reduce the time required by the Chair to consider routine applications, and this will reduce costs on the Business Unit. It is expected that this work will be absorbed by existing staff resources.

Policy Implications

18. There are no policy implications.

Options Considered

Analysis of Options

Option 1 – Make delegations in accordance with the recommendation of this report

Advantages	Disadvantage
<ul style="list-style-type: none"> • Efficiency • Faster processing of applications • Cost savings • Improved customer service 	<ul style="list-style-type: none"> • Less exposure of the Chair to alcohol licensing. This could be mitigated by copying the Chair into all decisions.

Option 2 – Status quo

Advantages	Disadvantage
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- | | |
|---|---------------------------------|
| • Chair has regular exposure to alcohol licensing | • Opposite to advantages above. |
|---|---------------------------------|

Assessment of Significance

19. Not significant.

Recommended Option

20. Option 1 – Make delegations in accordance with the recommendation of this report

Next Steps

21. If Option 1 is adopted, staff will implement this delegation immediately.

Attachments

- A Advice from Anderson Lloyd

Quality Assurance - Quarterly Update

Record No: R/18/7/16498

Author: Julie Conradi, Quality Assurance Lead

Approved by: Bruce Halligan, Group Manager Environmental Services

☐ Decision

☐ Recommendation

☒ Information

Overview

- 1 “*We will constantly look for better ways*” is a key strategic approach that Southland District Council has committed to in the Council’s long term plan 2018-2028. This quarterly report will keep the Committee informed of the progress that the new Quality Assurance (QA) Lead role is making in executing this approach within the Environmental Services Group.

S17A Review Recommendations

- 2 The recommendations made as a result of the Environmental Services S17A Review held in March 2017 is the definition of ‘working a better way’. A review of planned actions resulting from these recommendations has been completed with all actions now being tracked regularly by the ES Group Leaders. The team is documenting their tracking and completion of each action in a single document, enabling clear and concise reporting as needed. With 5 of the ‘In Progress’ items being significant pieces of work for the ES Group, actual delivery dates for some items have not yet been defined.

IANZ Building Solutions Team Audit Preparation

- 3 As part of the March 2019 IANZ audit preparation working group, a register has been created to demonstrate consistent evaluation and adjustment of the Building Solutions Teams ‘evidence of compliance’. This meets the required ‘continuous improvement’ mandate of IANZ and also ensures the team tracks the more innovative activities that they have been diligently applying to create efficiencies and better serve customers on a regular basis.
- 4 In addition to tracking these activities, the approach taken for internal audits has been reviewed by the QA Lead. Typically these have been a singular ‘process evaluation review’ completed by a Building Controls Consultant to ensure that a process exists for all IANZ criteria and to demonstrate that Council is actively compliant with those processes. The QA Lead has begun plans to expand this approach by including a ‘Technical Application’ internal audit, which questions ‘how Council processes are established’ and challenges the ‘status quo’ (Example: Council needs to perform continuous improvement, but is the way we plan, execute and document these effective? Does it support the team effort in an engaging way or is it being used as a ‘tick box exercise?’). A trial of this type of audit will be completed prior to December 2018 and is intended to complement the existing approach, not replace it.

ES Group Leader Workshops

- 5 A key element of Quality Assurance is enabling staff to perform their roles well, starting with the organisation’s leaders. The QA Lead has commenced regular ES Group Team Leader meetings to balance out the strong legislative and time driven focus that naturally exists in a customer and regulatory driven group.
- 6 The below table demonstrates progress against the key objectives of the workshops:

Group Workshop Objective	Progress
Lead by example, forming a strong team bond while pursuing resilience training so that Council can develop resilience in others.	<ul style="list-style-type: none"> • Discussed and researched what a ‘resilient culture’ would look like. • Commenced defining a set of ‘proactive culture goals’ for the ES Group. • Soon to receive ‘Gallup Strength Training’ through the People & Culture team.
Focus the group on ‘Core Functions’ of the Council, removing distractions & creating capacity.	<ul style="list-style-type: none"> • Complete. All core functions along with supporting activities and legislative drivers have been documented and verified as ‘necessary to deliver core functions’.
Create additional capacity within the team through the optimisation of manual processes.	<ul style="list-style-type: none"> • Identified & sourcing key skills required to execute system related process change. • Identified top 3 processes to optimise. • Observed the pilot optimisation of the Resource Management Lodgement Process, learning lessons & documenting reusable templates from ‘what worked well’. • Performed a visit to Waikato District Council to learn and apply lessons from their transition from manual to electronic processing.
Create transparency with a view to alignment by documenting all processes (including system utilisation).	<ul style="list-style-type: none"> • Documented the high level process workflow for all teams. • Identified key process documentation ‘gaps’. • Commenced documentation of complex processes that require resource scalability & support. • Currently performing ‘gap analysis’ of documentation for ‘mission critical’ processes. • Listed ‘quick wins’ for alignment goals.
Identify data input & use to enable data cleanse & system integration activities (where possible).	<ul style="list-style-type: none"> • Review of data requirements commenced. • Attendance and involvement with Data Governance Committee meetings. • Commenced steps for alignment and refinement of reporting across the group.
Identify and document repeatable, independent manual processes which are suitable for automation.	<ul style="list-style-type: none"> • Not started yet.

Project Definition & Integration

- 7 Quality Assurance relies on clear definition and documentation for all key activities, including projects. The below projects are being initiated by the QA Lead for implementation within the ES Group with key documents being submitted to the relevant governance authority for consideration. This enhanced approach is improving the quality of project deliverables before the projects have even begun. As questions are finalised and projects ‘kick-off’, progress of these projects will be included for the Committee’s reference:

Project Name	Objective	Governance	Status
Process Optimisation	Ensure alignment of activities across all teams Refine and optimise key processes	Executive Leadership Team	Being merged with Core Systems Review Project. Business Case for “Core Systems Enablement and Business Improvement” Project In Progress
Project ‘Treasure Map	Capture all SDC intellectual property in a consistent manner, ensuring that each team is accountable for ownership and continuous improvement of their processes. Deliver automated, relevant reporting as needed to ensure accountability and a sustained level of quality.	Promapp Governance Committee	Project Plan Under Review Plans are in place to ‘pilot’ this project with implementation to the ES Group first.
Website Content Upgrade	To improve customers’ experience by increasing the quality and accessibility of information Council provides, empowering customers to submit complete & correct applications which in turn reduces double handling and processing timeframes.	Group Manager Environmental Services	Focus Group Created & Continuous Improvement Commenced Business Case for FAQ Source & Content In Progress

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Quality Assurance - Quarterly Update” dated 18 July 2018.**

Attachments

There are no attachments for this report.