



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

Date: Thursday, 6 August 2020
Time: 9am
Meeting Room: Council Chamber
Venue: 15 Forth Street, Invercargill

Regulatory and Consents Committee Agenda OPEN

MEMBERSHIP

Chairperson	Paul Duffy Mayor Gary Tong
Councillors	Darren Frazer Julie Keast Christine Menzies Margie Ruddenklau

IN ATTENDANCE

Group Manager Environmental Services	Fran Mikulicic
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

TYPE OF COMMITTEE	Council committee
RESPONSIBLE TO	Council
SUBCOMMITTEES	None
LEGISLATIVE BASIS	Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	The Regulatory and Consents Committee will comprise of six members.
FREQUENCY OF MEETINGS	Six weekly or as required
QUORUM	Three
SCOPE OF ACTIVITIES	<p>The Regulatory and Consents Committee is responsible for overseeing the delivery of regulatory services and statutory functions that fall with the scope of, but limited to, the following legislation:</p> <ul style="list-style-type: none"> • 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. <p>The committee is responsible for hearing and determining regulatory matters including but not limited to:</p> <ul style="list-style-type: none"> • resource consents • public work requirements • objections against the construction of public works on private land • objections to decisions made by the committee and/or delegated staff • administration of Council bylaws • proposed variations to the District Plan.
DELEGATIONS	Council delegates to the Regulatory and Consents Committee the following functions:

	<p>Power to Act</p> <ul style="list-style-type: none"> 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 ie - pursuant to the RMA) 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 resource management hearing commissioners (from whom a commissioner can be selected) at regular intervals and the chief executive be authorised to appoint individual commissioners for a particular hearing f) make decisions on applications required under Southland District Council's Development and Financial Contribution Policy for remissions, postponements, reconsiderations and objections i) receive and approve Council's Annual Reports on dog control and alcohol licensing j) hear and determine objections to officer decisions under the Dog Control Act 1996 k) hear objections and decide on matters under the Southland Land Drainage Act 1935 and Southland Land Drainage Amendment Act 1938. <p>The Regulatory and Consents Committee shall be accountable to Council for the exercising of these powers (Local Government Act 2002, Schedule 7, Clause 32).</p> <p>Power to Recommend</p> <p>The Regulatory and Consents Committee is responsible for considering and making recommendations to Council regarding:</p> <ul style="list-style-type: none"> 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.
<p>FINANCIAL DELEGATIONS</p>	<p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Finance and Assurance Committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land as provided for in the Long Term Plan

	<p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy.
LIMITS DELEGATIONS	<p>TO</p> <p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • making operative District Plan changes • decision to notify the reviewed District Plan and make operative amendments to fees and charges relating to all activities. <p>Powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual.</p> <p>Delegated authority is within the financial limits in section 9 of this manual.</p>
STAKEHOLDER RELATIONSHIPS	<p>This committee shall maintain relationships including, but not limited to the following organisations:</p> <ul style="list-style-type: none"> • Each of the nine community boards • Southland Museum and Art Gallery • Southland Heritage Building Preservation Trust • Emergency Management Southland • Southland Regional Heritage Committee • Public Health South • New Zealand Police • Ministry of Business, Innovation and Employment • Alcohol Regulatory and Licensing Authority. <p>The committee will also hear and receive updates to Council from these organisations, as required.</p>
CONTACT WITH MEDIA	<p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations.</p> <p>The group manager, environmental services will manage the formal communications between the committee and its constituents and for the committee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p>

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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, 11 June 2020



Regulatory and Consents Committee

OPEN MINUTES

Minutes of a meeting of Regulatory and Consents Committee held in the Council Chamber, 15 Forth Street, Invercargill on Thursday, 11 June 2020 at 9am.

PRESENT

Chairperson	Paul Duffy	
	Mayor Gary Tong	9am - 9.50am
Councillors	Darren Frazer	
	Julie Keast	
	Christine Menzies	
	Margie Ruddenklau	

IN ATTENDANCE

Group Manager, Environmental Services	Fran Mikulicic
Committee Advisor	Alyson Hamilton

1 Apologies

There were no 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

Resolution

Moved Cr Menzies, seconded Cr Keast **and resolved:**

That the minutes of Regulatory and Consents Committee, held on 12 February 2020 be confirmed as a true and correct record of that meeting.

Reports

7.1 Earthquake Prone Building Consultation

Record No: R/20/3/5898

Julie Conradi, Manager, Building Solutions was in attendance for this item.

Ms Conradi advise the purpose of the report is to seek consensus from the Regulatory and Consents Committee to recommend to Council that public consultation on earthquake prone buildings that may pose high risk to life and safety be undertaken.

Resolution

Moved Cr Menzies, seconded Cr Keast **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Earthquake Prone Building Consultation” dated 5 June 2020.**
- 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) **Accepts the draft statement of proposal in principle and recommends to Council the consultation on Earthquake Prone Building’s occurs and that transport routes of strategic importance are not required as alternative routes are available.**

7.2 Update on Building Solutions Matters - March 2020

Record No: R/20/3/5913

Julie Conradi, Manager, Building Solutions was in attendance for this item.

Ms Conradi advised the purpose of the report is to advise the committee that the building solutions team are managing a number of key activities, simultaneously to ensure all legislative requirements are delivered.

The meeting noted that the report highlighted MBIE reporting, swimming pool audits, building warrant of fitness, earthquake prone buildings, processing timeframes, electronic processing project and IANZ Audit.

Resolution

Moved Cr Menzies, seconded Cr Frazer **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Update on Building Solutions Matters - March 2020” dated 5 June 2020.**
- 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.**

(Mayor Gary Tong left the meeting at 9.50am).

7.3 Council's response to the February State of Emergency

Record No: R/20/3/6385

Marcus Roy, Team Leader, Resource Management and Julie Conradi, Manager Building Solutions, were in attendance for this item.

Mr Roy advised the purpose of the report is to provide an overview of Council's response to the state of emergency declared in February 2020.

The meeting was advised that a state of emergency was declared for Milford Sound on 3 February 2020 and for the Southland Region on 4 February 2020

The meeting noted that the regional response was coordinated by Emergency Management Southland and supported by Southland District Council and other agencies from around the country.

Resolution

Moved Cr Ruddenklau, seconded Cr Menzies **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Council's response to the February State of Emergency" dated 5 June 2020.**
- 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 teams to build resilience and document processes for other similar events in the future.**

Public Excluded

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

Resolution

Moved Cr Menzies, seconded Cr Frazer **and resolved:**

That the public be excluded from the following part(s) of the proceedings of this meeting.

C8.1 Resource Management update including compliance matters

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
Resource Management update including compliance matters	s7(2)(c)(ii) - The withholding of the information is necessary 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 enactment, where the making available of the information would be likely to damage the public interest.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.

That the Group Manager, Environmental Services, Environmental Policy Lead, Resource Management, Policy Planner, Resource Management, Quality Assurance Analyst, Resource Management, Team Leader Resource Management, Manager Building Solutions, Publications Specialist and Committee Advisor be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items **C8.1 Resource Management update including compliance matters**. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of their knowledge on the issues discussed and meeting procedure.

The public were excluded at 10.37am

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available unless released here.

The meeting concluded at 12.11pm

CONFIRMED AS A TRUE AND CORRECT RECORD AT A
MEETING OF THE REGULATORY AND CONSENTS
COMMITTEE HELD ON THURSDAY, 11 JUNE 2020

DATE:.....

CHAIRPERSON:.....

Freedom Camping in the Catlins

Record No: R/20/7/25457

Author: Michael Sarfaiti, Environmental Health Manager

Approved by: Fran Mikulicic, Group Manager Environmental Services

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 The purpose of the report is for the Committee to consider the recommendations resolved at the meeting of the Waihopai Toetoe Community Board on 30 June 2020, being:
 - d) Recommend to the Regulatory and Consents Committee to endorse the removal of the presence of the Weirs Beach designated site from apps and Council's website.
 - e) Recommend to the Regulatory and Consents Committee to seek to change the self-contained designated site in Waikawa from the existing site, to the new sealed area beside the toilets.

Executive Summary

- 2 The Weirs Beach freedom camping site has been over-crowded, and there are not enough toilets there. To reduce pressure at this site, it is proposed to request camping app providers to remove the site from their maps.
- 3 The Waikawa freedom camping site has wet weather problems. Council's community facilities team chose to fund the sealing and fencing of the area next to the toilets at Waikawa. It is proposed to shift the designated freedom camping to this new sealed area.

Recommendation

That the Regulatory and Consents Committee:

- a) Receives the report titled “Freedom Camping in the Catlins” dated 29 July 2020.**
- 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 to authorise staff to request freedom camping app providers to remove the presence of the Weirs Beach designated site from their apps, and also from Council’s website.**
- e) Recommends to Council to amend the Freedom Camping Bylaw 2015, so that the self-contained designated site in Waikawa is moved from the existing site to the new sealed area beside the toilets.**
- f) Authorises staff to consult with the direct neighbours of the Waikawa camping area, concerning recommendation (e) above.**

Background

- 4 Council reviewed freedom camping in 2015 resulting in the Freedom Camping Bylaw 2015.
- 5 The bylaw generally permits freedom camping on Council controlled land, but has local rules. These are illustrated by way of maps in the schedule to that bylaw – see Attachment A.
- 6 The local rules from those maps are in summary:
 - a) No camping permitted in Curio Bay (other than the camping ground) and Tokanui
 - b) Self-contained camping permitted in Edendale and Wyndham townships, and at designated sites at Waikawa and Fortrose (seasonal only at Fortrose, for whitebaiters)
 - c) Non-self-contained camping permitted in designated sites at Fortrose and Weirs Beach (“Haldane” map)

Also, DOC has two sites in the area that are permitted for non-self-contained camping, though they are not actively promoted. These are at Waipohatu and Waipapa.

Issues

Covid

- 7 It is expected that freedom camping numbers will be affected in the short term due to reduced tourism. However the recommendations in this report are still applicable, in terms of improving the management of freedom camping in the area moving forwards.

Weirs Beach

- 8 This location has a designated site for all types of freedom camping. Council retained freedom camping at this site in the 2015 review, being a popular spot for locals. Since then the site has increased in popularity to the extent that it is over-crowded, and more toilets are needed. There are usually between 30 and 50 vehicles there every day.
- 9 Options to address this issue are discussed below.

Waikawa

- 10 This location has a designated site for self-contained camping. Council received funding from the Tourism Infrastructure Fund (TIF) to upgrade the toilet disposal field. As part of the project, Council's community facilities team chose to fund the sealing and fencing of the area next to the disposal area, with the intention of this new area to be used for freedom camping.
- 11 The new sealed area is larger than the existing, and is shown in Attachment B.
- 12 The existing designated camping area is a problem, including for the reason that locals are having to pull campers out in wet weather (no reception to phone tow truck), and flooding problems. Also, the new sealed area is desirable as it is closer to the toilets (self-contained campers do use them).
- 13 Options to address this issue are discussed below.

Factors to Consider

Legal and Statutory Requirements

- 14 Legal advice has been obtained concerning the recommended options of this report.

Weirs Beach

- 15 The proposed measure to manage overcrowding by requesting the removal of the site from apps does not require a full consultation process, and is lawful.
- 16 This action is not actually exercising any statutory power, and the act does not address the way that the sites are administered or managed by Council staff in these circumstances. This proposed action is to help manage the effects of the overcrowding being experienced at present.
- 17 This also does not require approval with a Council resolution, unless management requests it.

Waikawa

- 18 The Waikawa camping area can be amended, by transferring the designated site from one to the other, by a publicly notified resolution, as a minor amendment as per section 11(6) of the Freedom Camping Act 2011.
- 19 Direct neighbours of the Waikawa camping area ought to be consulted and their feedback provided being made available to Council when making its decision.
- 20 Council might consider planting flaxes along the Larne Street road boundary of the site to seek to mitigate the effects of this shift on nearby properties; should concerns be raised.

Community Views

- 21 Concerning the recommendations in this report, the direct neighbours of the Waikawa camping area will be consulted and their feedback being made available to Council when making its decision.

Costs and Funding

- 22 Staff time to progress these matters is funded by existing budgets, and the Board has agreed to contribute to signage.

Policy Implications

- 23 There are no policy implications.

Analysis

Options Considered

- 24 The following are the options for addressing the issues in this report.

Analysis of Options

Option 1 – Recommends to Council to authorise staff to request freedom camping app providers to remove the presence of the Weirs Beach designated site from their apps, and also from Council’s website

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• In line with the recommendations from the Waihopai Toetoe Community Board• may reduce the overcrowding at this site• any problems arising from this, could be reversed by adding the site back on to the apps	<ul style="list-style-type: none">• increasing numbers of campers at other locations may become a problem; for example DOC may elect to close their two sites, or Fortrose could become overcrowded

Option 2 – Recommends to Council to amend the Freedom Camping Bylaw 2015, so that the self-contained designated site in Waikawa is moved from the existing site to the new sealed area beside the toilets.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• In line with the recommendations from the Waihopai Toetoe Community Board• utilises a suitable area that has been recently developed• eliminates the problem of vehicles getting stuck in the existing area in wet weather	<ul style="list-style-type: none">• none, assuming locals do not object

Option 3 – Recommend to the Regulatory and Consents Committee to remove Weirs Beach and Waikawa as being permitted for freedom camping; or changing their rules (eg Weir’s Beach changing to self-contained only)

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• eliminates or reduces freedom camping problems in these two locations• cost savings in maintaining these sites	<ul style="list-style-type: none">• contrary to the recommendations from the Waihopai Toetoe Community Board• would require a full consultation process• Council unlikely to authorise a review of the bylaw at this time

Option 4 – Recommend to the Regulatory and Consents Committee that more toilets should be provided at Weirs Beach

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• resolves the sanitary concerns• would make the site suitable	<ul style="list-style-type: none">• contrary to the recommendations from the Waihopai Toetoe Community Board• may not reflect the vision that Council has for that site, as holiday spot for locals, not the tourist market

Option 5 – Do nothing

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• avoids unintended consequences that may arise from Option 2	<ul style="list-style-type: none">• contrary to the recommendations from the Waihopai Toetoe Community Board• does not resolve the issues raised in this report

Assessment of Significance

25 Not significant.

Recommended Option

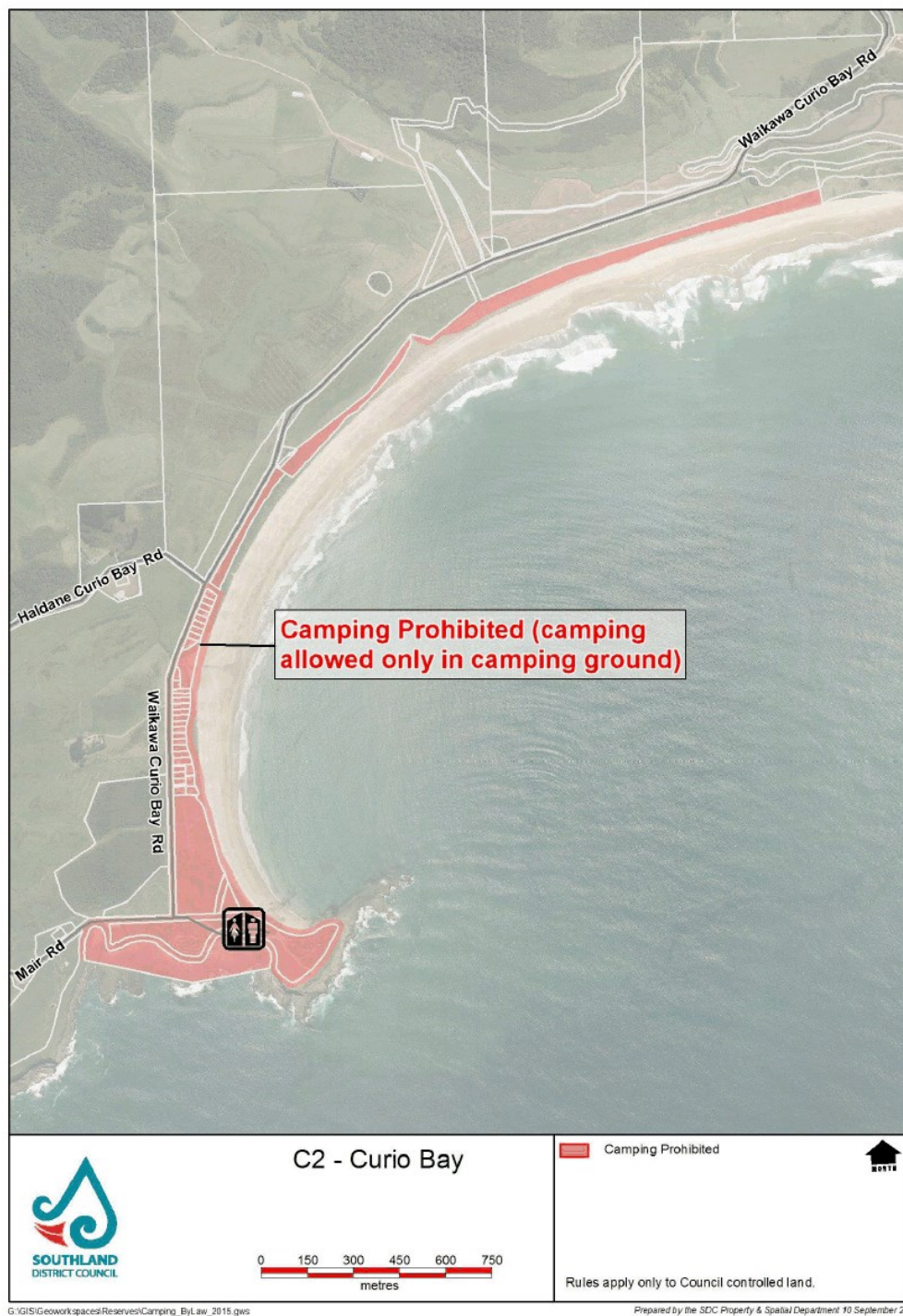
26 Options 1 and 2.

Next Steps

27 Staff will carry out the local consultation, and then present a report to Council.

Attachments

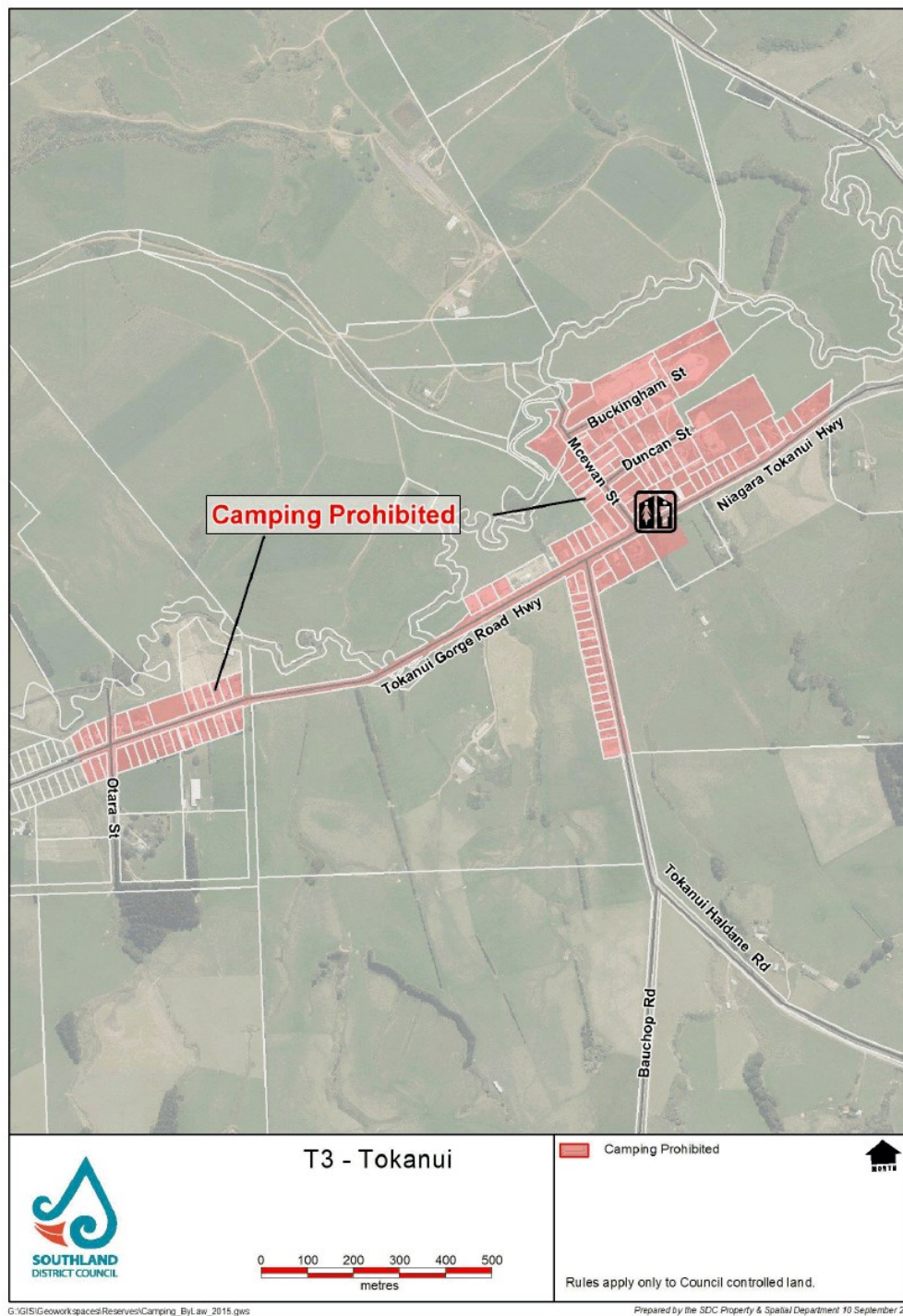
- A Local maps from the Freedom Camping Bylaw in the Catlins area [↓](#)
- B New sealed area at Waikawa [↓](#)





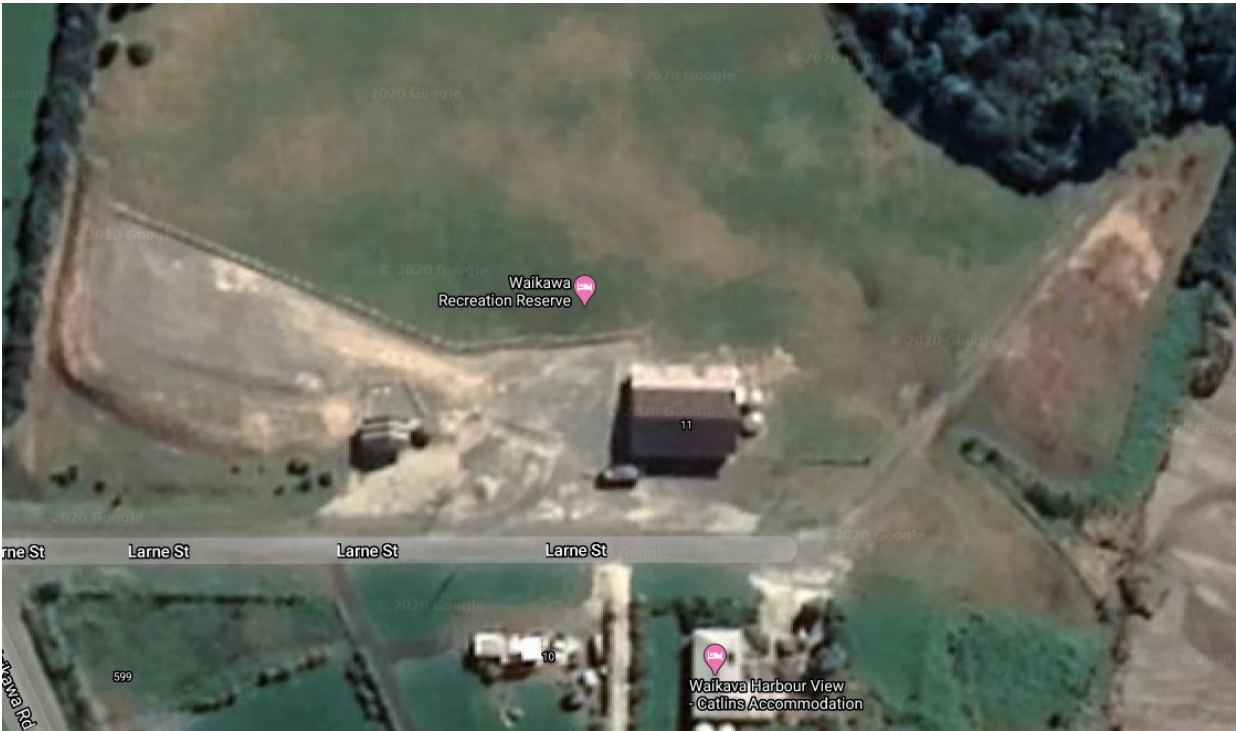












Exclusion of the Public: Local Government Official Information and Meetings Act 1987

Recommendation

That the public be excluded from the following part(s) of the proceedings of this meeting.

C8.1 Resource Management Monthly Report - June

C8.2 Building Solutions - Monthly Report June 2020

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
Resource Management Monthly Report - June	s7(2)(c)(ii) - The withholding of the information is necessary 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 enactment, where the making available of the information would be likely to damage the public interest. Internal report showing financials and legal compliance matters within the Resource Management Department..	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Building Solutions - Monthly Report June 2020	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. The attachment to this report contains information required to be confidential. This includes the presence of legal action and MBIE determinations.. s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. The attachment to this report contains information required to be confidential. This includes the presence of legal action and MBIE determinations..	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.