



Report 08.837  
Date 30 October 2008  
File E/06/31/03

Committee Regulatory Committee  
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Management

## Divisional Manager's Report

### 1. Purpose

To inform the Committee about activities that promote the sustainable management of the region's natural and physical resources by overseeing the Council's regulatory responsibilities in relation to resource management and harbour navigation and safety.

### 2. Managers' reports

Managers' reports from Environmental Policy, Environmental Monitoring and Investigations, Environmental Regulation and Harbours Departments follow as **Attachment 1**.

### 3. Wellington Regional Navigation and Safety bylaws

Submissions on the review of the Wellington Regional Navigation and Safety bylaws closed on 5 November 2008. 43 submissions have been received as a result of consultation, with around 12 of these people wanting to be heard in support of their application at a hearing. The largest numbers of submissions have come from the surfing community in relation to proposed bylaws around surfing at Lyall Bay, with other submitters including CentrePort and Maritime New Zealand.

The Regulatory Committee was given authority from Council at their meeting of 29 September to consider submissions made on the bylaws as a result of consultation, and to report and make recommendations to the Council following a hearing process. Based on the number of submissions received, and the numbers who want to be heard at a hearing, a one day hearing should be sufficient. I will provide some possible dates for a hearing at the meeting, with a view to holding the hearing on the bylaw review in December of this year.

#### **4. Proposed amendment to key performance indicator measure around compliance**

Over the last few years, Greater Wellington's Long Term Council Community Plan (LTCCP), and Annual Plan has had a performance measure in relation to processing and monitoring resource consents, which states that *100% of resource consents will be monitored for compliance with resource consent conditions.*

It has always been intended to review this performance measure as part of the current development of the LTCCP as a result of reviewing our approach to compliance monitoring in the region. However, it is apparent from previous years that it is unlikely that this measure can be complied with. The measure also does not allow us to most effectively undertake our compliance work as we are focussing on undertaking compliance inspection, across the region, on all consents, rather than more strategically focusing on those that have the potential to cause adverse effects on the environment.

In order to resolve this issue we are undertaking a full review of our compliance strategy this year, and would like to trial some of the potential approaches in the current year before rolling them out across the region. In doing so, it would mean that we will not be able to comply with the current performance measure. Some of these new compliance approaches include:

- Not monitoring all minor land use consents such as bores, small culverts, and bridges where history shows effects are typically minor.
- In some cases, requiring consent holders to send in photos of completed works if they do not have a formal compliance inspection.
- Undertaking scheduled 'random' inspections on those consents that are no longer monitored.
- Spending more time on monitoring and enforcing compliance with those larger consents that have a higher risk in terms of potential for adverse effects.

I would like to discuss this issue at the meeting, with a view to seeking the agreement of the Committee that for the reasons outlined above, we will not be seeking to achieve the current performance measure in the 2008/09 Annual Plan in relation to compliance monitoring.

#### **5. Forward work programme for 2009**

At the first meeting of the Regulatory Committee in 2009, I will present a draft forward work programme for the year, similar to the one we have prepared for the current year's work. The general feedback I have received from Committee members is that the forward work programme has been very useful. Some early papers in the New Year will be focussed on the timetable and process for our plan reviews, the development of an action plan to achieve

National Environmental Standard compliance in the Masterton Airshed, and on stock crossings and stock access to watercourses in the region.

## **6. Recommendations**

*That the Committee:*

1. ***Receives the report; and***
2. ***Notes the contents.***

Report prepared by:

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**Attachment 1:** Departmental managers' reports