

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Regulatory Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 25 November 2015 commencing at 8.30 am

Present:

- Cr Sam Neill (Chairperson)
- Cr Gerrard Eckhoff (Deputy Chairperson)
- Cr Graeme Bell
- Cr Doug Brown
- Cr Louise Croot MNZM
- Cr Michael Deaker
- Cr Gary Kelliher
- Cr Trevor Kempton
- Cr Gretchen Robertson
- Cr David Shepherd
- Cr Stephen Woodhead

Leave of Absence: Cr Bryan Scott

In attendance:

- Peter Bodeker
- Nick Donnelly
- Fraser McRae
- Gavin Palmer
- Caroline Rowe
- Martin King
- Sarah Ibbotson
- Marian Weaver
- Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 14 October 2015, having been circulated, were adopted on the motion of Crs Eckhoff and Bell.

Matters arising from minutes

There were no matters arising from the minutes.

PART A – ITEMS FOR NOTING

Item 1

2015/1213 **Low Flow Event review and preparations.** DEHS, 13/11/15

The report described the 2014/15 low flow event and ORC's actions, preparations for the forecast 2015/16 event, and the changes and improvements that had been made to the way ORC dealt with such events.

Corrections to report:

- Table 1 page 12 Kakanui River at Mill Dam – Date of first flow below minimum flow should be 18 January 2015, and number of days at or below minimum flow should be 2.
- Page 30 of the report should refer to aquifer restriction levels.

Mrs Rowe advised that staff were investigating what social media farmers used so that up-to-date information could be made widely available. Meetings would also be held with TLAs and other interested parties (Fish and Game, DoC, and KTKO).

Section 6 'Learnings from the 2014/15 event and preparedness for 2015/16' was seen as a key part of the report.

The demands on staff during a low flow event were discussed. Dr Palmer noted that resource levels were driven by events. Mr Bodeker further commented that the act of serving a notice of water shortage direction was complex; notices had to be served in person, and owners did not always live on the property.

Dr Palmer drew attention to the change to principle 5. Mrs Rowe noted that community engagement in preparation or already in place included: the CE's letter to permit holders; training of Customer Services Officers to deal with queries; information in *Water Lines*; encouragement of irrigation companies to take a leadership role; CLEO staff to be in regular contact with catchment groups leading up to and during the event; meetings with DoC, Fish and Game, Iwi, and media, noting that Fish and Game and Iwi were keen for their communication channels to be used.

Mr Bodeker explained that the intent this year would be the same as last year – community water management, and to minimise the number of water shortage directions. Staff did not need to get involved with groups that were well organised.

Cr Robertson suggested that it would have been helpful for ORC and for communities if the report was split into separate reports on what happened before, plans for the future, and technical and regulatory responses. She suggested amended wording for the principles.

Cr Robertson moved
Cr Shepherd seconded

That staff review the principles for ORC low flow event management for greater clarity, taking into consideration:

- 1. ORC will actively monitor key waterways and aquifers (including minimum flow sites, scheduled aquifer levels, residual flows and targeted low flow gauging).*
- 2. ORC will inform community of current flow/level information.*
- 3. ORC will manage water use to protect the significant ecological values of Otago's waterways (including but not limited to those waterways with existing minimum flows, residual flows and min aquifer levels).*
- 4. ORC will carefully consider the full suite of regulatory tools available to protect significant ecological values of Otago's waterways.*
- 5. ORC will not impose more stringent flow/level standards than existing minimum and residual flows and aquifer levels (eg 'bounce back' provisions).*
- 6. Permitted irrigation can commence when flows are at or above relevant minimum flow, residual flow or aquifer levels.*
- 7. Stored water is not subject to water restrictions beyond any normal consent conditions (eg consent imposed release conditions).*
- 8. These principles are clearly outlined to stakeholders.*

Councillors supported the motion, noting that the principles needed to be clear and robust. The likelihood of the continuation of dry summers was noted, and comment was also made that the Council's day to day work had to be able to continue.

Dr Palmer explained in response to a question that the principles were drawn up by staff to address last summer's low flow event, and to guide staff at the operational level in the future.

The motion was then put and carried.

Cr Woodhead moved

Cr Croot seconded

1. *That the report be received and noted.*
2. *That Council's preparations for an imminent low flow event be noted.*

Motion carried

Item 2
2015/1241

Communications Plan and Project Plan: Water Management Groups. DPPRP, 2/11/15

The report noted that Plan Change 1C to the Regional Plan: Water gave rise to an LTP project to encourage and assist consent holders form water management groups for renewal of deemed permits and water permits. The work programme and communications approach proposed for the project were summarised in the report.

Mrs Weaver explained in response to a question that the 100+ consents to be lodged included deemed permits and private permit holders in some subcatchments. Everyone who had a permit in a catchment would be invited to lodge their consent renewal application as soon as they could. A question was raised about the monitoring process, and Mr McRae explained that some groups would work on their own, and staff would respond to questions when required. Council would be updated regularly on progress.

Mr McRae explained that an ORC governance group, which he chaired, had been set up to work on water quantity and quality management. A programme manager had been appointed to co-ordinate water quality management.

A concern was raised about possible changes to legislation, and Mr McRae commented that he was not aware of any proposed changes. Cr Deaker advised that he had attended the water management workshop at the recent Ngai Tahu hui, where Mr Mark Solomon, Chair of Te Rūnanga o Ngai Tahu, stated that he had met with the Prime Minister and Cabinet, and there would be an announcement at Waitangi Day 2016 about future decision making options for water.

Cr Croot moved

Cr Woodhead seconded

That the report be noted.

Motion carried

Item 3
2015/1228 **Annual Compliance Summary 2014-15.** DEMO, 19/10/15

The report summarised compliance activities and consent conditions for all major consent holders and prohibited activities for the 2014/15 year.

The difference between audit and monitoring results was queried. Mr King explained that performance monitoring information was provided by consent holders, and a consistent timeframe for these results was to be prepared by staff. Ms Ibbotson explained that performance monitoring results were received on a regular basis for some consents, but these were not audited the same year.

The number of water pollution complaints was noted. Mr King explained that this was partly due to increased public awareness and reporting of water pollution incidents.

Cr Croot moved
Cr Woodhead seconded

That the report be noted.

Motion carried

Item 4
2015/1227 **Biosecurity and RMA Monitoring Report.** DEMO, 10/11/15

The report detailed water, air, pest, and contaminated site environmental monitoring and incidents for the period 4 September to 6 November.

Cr Neill moved
Cr Kempton seconded

That the report be noted.

Motion carried

Item 5
2015/1257 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 10/11/15

The report detailed consent processing, consent administration and building control authority activity for the period 28 September to 6 November 2015.

Cr Croot moved
Cr Kelliher seconded

That the report be noted.

Motion carried

Item 6

2015/1247

RMA, Biosecurity Act and Building Act Enforcement Activities.
DPPRM, 6/11/15

The report detailed Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period 25 September to 6 November.

Cr Croot moved
Cr Woodhead seconded

That the report be noted.

Motion carried

Item 7

2015/1266

Appointments by Commissioner Appointment Subcommittee.
DPPRM, 13/11/15

The report listed hearing commissioners appointed for the period to 13 November 2015.

Cr Woodhead moved
Cr Robertson seconded

That the report be noted.

Motion carried

The meeting closed at 10.11 am



Chairperson