

## OTAGO REGIONAL COUNCIL

### Minutes of a meeting of the Regulatory Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 7 September 2016 commencing at 9:53am

**Membership:** 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 Bryan Scott  
Cr David Shepherd  
Cr Stephen Woodhead

**Apologies:** Cr Brown  
Apologies were accepted on the motion of Crs Kelliher and Bell

**In attendance:** Peter Bodeker  
Nick Donnelly  
Gavin Palmer  
Fraser McRae  
Caroline Rowe  
Scott MacLean  
Lauren McDonald (minute taker)  
Suzanne Watt

#### CONFIRMATION OF AGENDA

There were no changes to the agenda.

#### CONFLICT OF INTEREST

There were no conflicts of interest noted.

#### PUBLIC FORUM

No public forum.

## MINUTES

The minutes of the meeting held on 20 July 2016, having been circulated, were adopted on the motion of Crs Eckhoff and Woodhead.

### Matters arising from minutes

There were no matters arising from the minutes.

## PART A – ITEMS FOR NOTING

### Item 1

2016/0983 **Biosecurity and RMA Monitoring Report. DEMO, 19/8/16**

The report provided an update on water, air, pest, and contaminated site environmental monitoring and incidents for the period 1 July to 19 August 2016.

#### 1.1.2 Water Metering - RMA Regulations

A question was raised in regard to what action Council could take to ensure full compliance for water metering in Otago by the end of 2016, in consideration of the approaches taken by both Environment Southland and Environment Canterbury.

Mr MacLean advised he would look to strengthen the message via the Stakeholder Engagement directorate to discourage complacency over installation of water metering and encourage action for replacement of deemed permits by the deadlines. He confirmed a wider targeted publicity campaign for compliance with the regulations would recommence with the start of the irrigation season.

A comment was made that Canterbury had a majority of piped water takes, which was a far simpler process to monitor than the open channel water takes in Otago. Also, some permit holders were not proceeding for their own reasons, but that many were seeking to group consents together and pull into schemes which should reduce the number of consents.

Mr MacLean confirmed he has been advised by a number of water abstractors who have confirmed they have not installed water meters due to working toward pulling together in group consents. He advised he would be concerned if people were not making contact at all and were not responding to Council correspondence.

#### 2.1.1 Rabbits

An update was requested on the possibility of a new strain of rabbit virus to be introduced and the timing of this.

Mr MacLean advised that the K5 virus could not be seen as the "silver bullet" to address the rabbit infestation issue and that the import licence for the K5 virus was currently going through the EPA. He was confident that with the sector group, DOC and LINZ support in place that the virus could be imported under a current licence to import a virus, as it was a different strain of the current virus, and not a new virus. He confirmed the target date for release is Autumn 2017.

A question was raised in regard to the Albert Town area as to when pest management activity would take place, as rate payers were seeking urgent action due to the high level of rabbit infestation in the area.

Mr MacLean advised that in terms of undertaking compliance activity, priority had been on resourcing the velvetleaf and wallabies incursion responses. He advised that resources needed to be prioritised to get the best environmental outcome, which is a larger priority for undertaking the work, in particular for areas over 10 hectares. Also, as the McLean Scale model used for establishing rabbit numbers was based on large scale properties, it would not have sound legal basis to be used for smaller or urban properties. He confirmed there is some rabbit control work planned for the coming winter for Albert Town, but that it was also every land holder's responsibility to undertake control work on their property.

A question was raised on public safety in regard to poison use and the accessibility to poison for the public to control rabbits on their properties.

Mr MacLean advised that the availability for landholders to undertake poisoning using liquid pindone required them to hold a controlled substance licence, but that pindone in pellet form was available "off the shelf". He confirmed if the pindone in pellet form was administered by "hand laying", it did not require a licence.

Mr MacLean advised that in regard to the concern over public safety with the 1080 poisoning operation at Bannockburn, this was undertaken by private contractors, not ORC. He advised that landholders should go to the EPA if there have been issues with signage.

A question was raised in regard to the security of Otago's water reservoirs and the sources of water coming into the reservoirs, in terms of potential for *e coli* going unfound, such as had occurred in the Hawkes Bay.

Mr MacLean advised that the integrity of the drinking water supply is the responsibility of the TLA, under health standards by the Ministry of Health. The regional council's role was environmental water quality under Schedule 15 in the Water Plan.

### 2.1.2 Wallabies

Cr Kelliher advised his appreciation of the prompt assistance provided by Mr MacLean's directorate in responding to a request by Galloway farmers for assistance in tracking a wallaby sighting in the area. Assistance in the form of staff response and helicopter time was provided. Cr Bell confirmed that the Maniatoto Pest Company had also been involved and it was pleasing to see a good working relationship in place.

### 2.2.1 Plant Pest- Didymo

Mr MacLean confirmed that there is no known control for didymo. It has been present in different countries for many decades and it was about learning to live with it. He advised that "Check, Clean, Dry" is an MPI controlled and funded programme (of which ORC is one of the partner agencies), aimed to slow down the rate of the spread and had been effective to date. It was positive that there is no known didymo in the North Island and that there is an active programme in place for the inter-island ferries.

A suggestion was made for Council to partner on some research based programmes with CRIs or universities to see if there was a possibility of making an intrusion on the living microscopic organism.

Mr Bodeker suggested that this be included in the Annual Plan discussions and confirmed that further information would be gathered on didymo for the Annual Plan process.

Mr MacLean advised that millions of dollars was spent on research into the control of didymo in New Zealand and internationally. Didymo has been present internationally for decades before it arrived in New Zealand and before biosecurity was a concern. He advised that MPI had made the statement that they are the global authority and that USA research on didymo did refer to New Zealand as the global authority.

It was acknowledged it was very important to have more awareness and publicity of the impact of didymo on freshwater in NZ.

Moved Cr Kelliher  
Seconded Cr Bell

*That the report be received.*

**Motion Carried**

Item 2  
2016/1022

**Consent processing, consent administration and Building Control Authority update.** DPPRM, 22/8/16

The report detailed consent processing, consent administration and building control authority activity for the period 1 July to 19 August 2016.

2. Appeals

*RM15.202 Borst Holdings Ltd*

An update was requested on the appeal.

Mr McRae advised that all the matters of concern were had been reported back to Court. Council were now awaiting the Court's final determination and once the Court has given its notice, that consent could be operated.

*RM14.206 - Mt Campbell Station Ltd*

A question was raised if it was Council policy under the RPS to encourage water storage to assist flows.

Mr McRae advised that storage of water was not directly encouraged and that Council takes a "neutral" stance. He confirmed that water storage options were part of discussions with landholders, for their consideration.

Moved Cr Croot  
Seconded Cr Kempton

*That the report be noted.*

**Motion carried**

Item 3  
2016/1006

**RMA, Biosecurity Act and Building Act Enforcement Activities.**  
DPPRM, 4/7/16

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 1 July to 19 August 2016.

Moved Cr Croot  
Seconded Cr Kelliher

*That the report be noted*

**Motion carried**

Item 4  
2016/1024

**Progress Report 1C Deemed Permit Replacement Project.**  
DPPRM, 22/8/16

This report noted progress on Project 1C implementation of the RPW policies.

Mr Bodeker confirmed Council has a responsibility to encourage people to be very aware of the circumstances that they face come 2021, i.e. that replacement of deemed permits are their responsibility. He advised that Council was being active in that area, assisting with initial discussions, and attempting to bring close geographically located people together to form groups in preparation for the consent application process. Mr Bodeker advised the matters deemed appropriate for Council involvement are encouragement and engagement.

A concern was expressed whether Council has enough resource for the significant number of consent applications which will need to be processed in a short period of time prior to the 2021 deadline. This would be a major workload for Council staff and commissioners with a large amount of resource planning still to be done.

A question was raised if Council were aware of the knowledge base that the current rural professionals have in regard to the replacement of deemed permits and other water permits.

Mrs Rowe advised that the report back from staff is that both landholders and rural professionals are very receptive and understand this deadline is coming and that work is required. Some more information was being sought and the Stakeholder Engagement directorate and Mrs Weaver were working on responding to this. She considered the knowledge of both the rural professional and landholders was very good.

Cr Kelliher commented that he believed that the farming sector were aware of the 2021 deadline, including timeframes and that financial lenders would not provide funding without consents being in place.

Mr Bodeker confirmed that staff are very aware of the workload and resourcing for the deemed permit replacement. He advised that the management team would define what resourcing (including scenarios around this) may be needed over the next 5 years and this would be brought back to Council as part of the Annual Plan.

Cr Robertson advised she supported Cr Kelliher's comments in regard to wide awareness by the farming sector and the discussions being held on the best options for water user groups or individuals. She advised that she saw the Council's responsibility was to assist by providing good information.

Cr Eckhoff commented his opinion was that water permit users still harboured a high degree of personal ownership of that water and with some individuals being reluctant to join collectives until they are sure it will allow them to continue as they have with water takes.

Mr McRae advised the policy in the Water Plan is clear, that going into a group is not compulsory, and the idea Council are forcing some to do this is not true. He advised it is clear in the policy that if a permit holder chose to remain alone they can be consented alone. The reason for this is in the Water Plan, no two consents or individuals are exactly the same, or have the same situation. There are some benefits to being in a group, i.e. better utilisation of the water managed as a group.

Cr Woodhead commented that the worst case scenario is Council are not in a position in two years' time to process these consents and with only four irrigation seasons left, action needs to be taken.

Moved Cr Woodhead  
Seconded Cr Shepherd

*That the report be noted*

**Motion Carried**

Item 5  
2016/1027

**Appointment of Hearing Commissioners to September 2016**  
DPPRM, 31/8/16

This report noted appointment of hearing commissioners for the period June to September 2016.

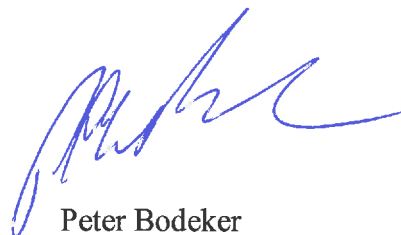
Moved Cr Croot  
Seconded Cr Robertson

*That the report be noted*

**Motion Carried**

The meeting was declared closed at 10:44am

**Chairperson**



Peter Bodeker  
**Chief Executive**