



REGULATORY COMMITTEE AGENDA

WEDNESDAY 18 OCTOBER 2017

Council Chamber
70 Stafford Street, Dunedin

following the conclusion of the Policy Committee

Membership

Cr Bryan Scott	<i>(Chairperson)</i>
Cr Sam Neill	<i>(Deputy Chairperson)</i>
Cr Graeme Bell	
Cr Doug Brown	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Trevor Kempton	
Cr Michael Laws	
Cr Ella Lawton	
Cr Andrew Noone	
Cr Gretchen Robertson	
Cr Stephen Woodhead	

Disclaimer

Please note that there is an embargo on agenda items until 8:30 am on Monday 16 October 2017. Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

For our future

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1. APOLOGIES

Cr Doug Brown

2. LEAVE OF ABSENCE

Cr Michael Deaker

3. ATTENDANCE

4. CONFIRMATION OF AGENDA

5. CONFLICT OF INTEREST

Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

6. PUBLIC FORUM

7. PRESENTATIONS

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the meeting held on 13 September 2017 be received and confirmed as a true and accurate record.

Attachments

1. Minutes Regulatory Committee - 13 September 2017 **[8.1.1]**

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Regulatory Committee to be held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 13 September 2017, commencing at 4:13pm

Membership: Cr Bryan Scott (Chairperson)
Cr Sam Neill (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Michael Deaker
Cr Carmen Hope
Cr Trevor Kempton
Cr Michael Laws
Cr Ella Lawton
Cr Andrew Noone
Cr Gretchen Robertson
Cr Stephen Woodhead

Apologies: Cr Woodhead
The apology was noted.

Leave of Absence: Nil

In attendance: Peter Bodeker (CE)
Nick Donnelly (DCS)
Gavin Palmer (DEHS)
Tanya Winter (DPPRM)
Scott MacLean (DEMO)
Sian Sutton (DSHE)
Sally Giddens (DP&C)
Lauren McDonald (Committee Secretary)

Cr Brown absent from the room.

CONFIRMATION OF AGENDA

The agenda as listed was confirmed.

CONFLICT OF INTEREST

No conflicts of interest were advised.

PUBLIC FORUM

No public forum was held.

MINUTES

The minutes of the meeting held on 2 August 2017, having been circulated were adopted on the motion of Crs Scott and Lawton. **Carried.**

ACTIONS: (Status report on the resolutions of the Regulatory Committee)

No current actions to be reported

PART A – REPORTS FOR NOTING

Item 1

2017/0990 **Biosecurity and RMA Monitoring Report. DEMO, 30/08/17**

The report described the regulatory activity for the reporting period of 15 July to 25 August 2017.

Discussion was held on how communities can assist themselves for rabbit control for peri-urban areas, such as Pisa Moorings.

Mr Bodeker advised community engagement can be offered to affected communities for methods to assist rabbit control but that currently the responsibility for rabbit control was that of the landholder. He advised the pest management strategy review would include a method to address assessment of rabbit numbers in per-urban and urban areas (as the MacLean Scale is for areas greater than 50ha).

Moved Cr Deaker
Seconded Cr Hope

That the report is received.

Motion carried

Item 2

2017/1014 **RMA, Biosecurity Act and Building Act Enforcement Activities for the period from 1 July to 25 August 2017. DPPRM, 25/08/17**

This report detailed the Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council during the period 1 July to 25 August 2017.

Moved Cr Neill
Seconded Cr Hope

That this report be noted.

Motion carried

Item 3
2017/1020 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 25/08/17

Detailing consent processing, consent administration and building control authority activity for the period 17 July to 25 August 2017.

Cr Brown returned to the room at 4:26pm

Moved Cr Noone
Seconded Cr Kempton

That this report is noted.

Motion carried

Item 4
2017/1021 **Progress Report 1C - Deemed Permit Replacements and Water Groups,** DPPRM, 25/08/17

This report noted progress on Project 1C implementation of the Regional Plan: Water policies for the period 17 July to 25 August 2017.

Ms Winter responded to questions from councillors in regard to meeting the 2021 for deemed permit replacements. She confirmed that this was a key focus for her directorate.

Mr Bodeker confirmed that it was not the responsibility of ORC to convert deemed permits to consents but to ensure resources were in place to manage applications received within the deadline of 2021.

Moved Cr Hope
Seconded Cr Robertson.

That this report is noted.

Motion carried

The meeting was declared closed at 4:30pm.

Chairperson

9. ACTIONS

Status report on the resolutions of the Regulatory Committee.

NIL

Attachments

Nil

10. MATTERS FOR COUNCIL DECISION

10.1. Director's Report on Progress

Prepared for: Regulatory Committee
Activity: Governance Report
Prepared by: Scott MacLean, Director Environmental Monitoring and Operations
Date: 29 September 2017

1. Précis

This report describes the Regulatory activity for the reporting period 26 August 2017 – 29 September 2017.

2. Biosecurity

2.1. *Mycoplasma bovis*

ORC Biosecurity staff have been assisting Ministry for Primary Industries in their *Mycoplasma bovis* incursion response. Several ORC staff are members of the National Response Team for Biosecurity incursion response. For this period Central Otago staff assisted from 29 August-1September. Currently 18 properties are listed under a restricted place notice including two farms located in North Otago, it is likely that further involvement will be required in coming weeks.

2.2. Rabbits

Rabbit inspections have continued over this period with a continued focus on Central Otago and the Otago Peninsula. Follow up and auditing of Rabbit Control Plans is also continuing.

There are a number of rabbit poison operations being undertaken this winter. ORC staff have been working with landowners and contractors providing guidance regarding poisoning best practice. A large operation in the Ida Valley has been successful.

K5 update summary (update to excerpt from Rabbit Coordination Group meeting notes):

- ACVM (Agricultural Compounds and Veterinary Medicines) application – the deviations application has been signed off by ACVM
- The final ACVM application is expected to be submitted by the end of September
- Unwanted organism application - this has been completed in draft and will be submitted alongside the final ACVM application
- Planning is continuing for release process and roll out
- Stakeholder engagement is ongoing in line with confirmed strategy.

2.3. Wallaby activity

Four reports of wallaby sightings were made this reporting period. Staff have undertaken surveillance and deployed motion detection cameras in areas where wallaby sign was located. Monitoring of these areas will continue.

2.4. Harbour Master activity

The interim Harbour masters responded to a threat of protest this reporting period. A vessel owner threatened to anchor in the shipping channel. Significant preparations

were made should the threat materialise, to ensure no disruption to shipping would occur and that people were not put in danger. A response team that included Port Otago staff, ORC Compliance staff and Police were placed on standby.

3. Compliance activity

Audits were completed of all moorings in the Otago Harbour. A number of issues were identified including sunken mooring blocks that need to be retrieved where possible, and the non-transfer of permit holders when a mooring is sold.

The issue of the non-transfer of permit holders when property is sold has also risen with recent audits for consents to discharge domestic septic waste to land. This is being followed up with local lawyers, real estate agents and others involved with the sale of property.

The winter compliance flyover undertaken in August showed compliance with the Water Plan rules for dairy and forestry activities being undertaken in Otago. One significant breach of the Water Plan was identified during the flyover and enforcement action is currently being undertaken.

Audits of water take and discharge permits continue to be undertaken with some resulting in cancellation or lapsing of water permits. Those that received non-compliant grades with actual or potential effects have received either formal warnings and have taken action and provided a plan to ensure compliance is maintained with the consent, or have been recommended for further enforcement action.

4. Wilding Conifer Control in Otago

Staff attended meetings of both the Central Otago Wilding Conifer Control Group and the Wakatipu Wilding Conifer Control Group. Both groups are reporting that as a result of the additional funding from the ORC and the Ministry for Primary Industries, significant progress is being achieved throughout their respective areas.

5. Freshwater Biosecurity

The annual funding application to the Ministry for Primary Industries for freshwater biosecurity advocates was successful. This programme is run over the summer months targeting users of the Otago waterways education users about good freshwater biosecurity practices and promotion of the Check, Clean, Dry campaign.

Lake Snow was discussed at a recent Freshwater Biosecurity Partnerships meeting. The partnership programme is a collaboration between MPI, Regional Councils, Department of Conservation, Fish and Game New Zealand, industry groups and iwi.

As there are no known control tools for lake snow, it was agreed that the focus needs to be on preventing the spread of lake snow to other water bodies that do not currently have it. MPI have developed collateral for the Freshwater Biosecurity Advocates to use when talking to water users this summer, raising awareness of lake snow and its impacts and encouraging good biosecurity practices.

MPI commissioned NIWA to undertake research into the efficacy of the Check, Clean, Dry methodology on lake snow. This research identified that methods are appropriate for use with lake snow but with some adjustments to the exposure time.

Research is required to better understand its ecology and how to manage it, responsibility for investing in science lies with the Ministry of Business, Innovation and

Employment (MBIE). In September 2017, Landcare Research was awarded \$1 million by MBIE to undertake this research in to lake snow.

6. Environmental Risk Assessment (ERA) programme

Work has commenced under the ERA programme. Water sampling in the Bannockburn, Thompsons creek (tributary of Manuherikia), Taieri (near Waipiata), Waiareka and Awamoko Rivers in North Otago.

A desktop risk assessment will be conducted. This will involve reviewing farms and the contexts within which they operate to assess in broad terms their level of risk.

A 'readiness' survey is being developed which will be rolled out across farms to ascertain how ready farmers are and to gauge their level of understanding of the plan and also their perception of how ready they are and what measures have been put in place on their farms.

In addition, an 'on farm' assessment will be conducted across two pilot areas and will be outsourced to maintain objectivity.

Subject to findings of the survey a series of educational materials will be developed and rolled out by Liaison staff to promote good practice farming being adopted across the region and NZ.

7. Recommendation

- a) *That this report is received.*

Endorsed by: Scott MacLean
Director Environmental Monitoring & Operations

Attachments

Nil

10.2. Harbour ByLaws

Prepared for: Regulatory Committee
Activity: Regulatory - Harbour Management
Prepared by: Sharon Bodeker, Manager Projects
Date: 5 October 2017

1. Précis

Work is progressing on the development of draft Harbour Bylaws for navigational safety in Otago waters. The purpose of this paper is to provide information on the process for consulting on and adopting new Harbour Bylaws.

2. Background

The 2003 Otago Regional Council Navigational Safety Bylaw for Otago and Karitane Harbours has lapsed, and so work has been undertaken by our interim Harbour Masters to prepare a new bylaw for Otago waters managed by ORC. The bylaw will not cover the areas where transfer of responsibility has taken place with Queenstown Lakes District Council and Central Otago District Council, as navigational safety in those areas is covered by their own navigational safety bylaws.

Sections 156 and 157 of the Local Government Act sets out the process for consulting on and adopting new bylaws. Council is required to use the special consultative procedure to make, amend or revoke a bylaw, if it considers that the bylaw is of significant interest to the public, or likely to be a significant impact on the public.

We consider that there is significant public interest in the bylaw, and so recommend using the special consultative procedure to make this bylaw.

Our interim harbour masters are currently undertaking informal consultation with key stakeholders, water user groups etc.

3. Special Consultative Procedure

Section 83 of the Local Government Act sets out the special consultative procedure. In summary, the following steps must be taken:

- Prepare and adopt:
 - a statement of proposal (being a draft of the bylaw, the reasons for the proposal, and a report on why a bylaw is the most appropriate way of addressing the matter).
 - If considered necessary to enable public understanding of the proposal, a summary of the information contained in the proposal.
- Ensure the following is publicly available:
 - The statement of proposal.
 - Description of how people may present their views on the proposal.
 - A statement of the period within which views may be provided, the period being not less than one month from the date the statement is issued.
- Make the summary as widely available as reasonably practicable as a basis for consultation.
- Provide an opportunity for people to present their views (this may be done by audio or audiovisual link).

4. Proposed Timetable

The table below sets out the proposed timetable for adopting the new bylaw.

Task	Date
Council workshop on draft bylaws	1 November 2017
Submit to Maritime NZ director for comment	22 November 2017
Maritime NZ comments received	20 December 2017
Present draft bylaw to Regulatory Committee/Council for adoption for consultation purposes	31 January 2018
Issue statement of proposal	12 February 2018
Submissions close	16 March 2018
Hearings commence	Week starting 9 April 2018
Recommendations from Hearing Committee	2 May 2018 committees
Adoption of bylaw	16 May 2018 Council meeting

3. Recommendations

- a) *That this report be received.*
- b) *That the timetable for adopting the bylaw be endorsed.*

Endorsed by: Scott MacLean
Director Environmental Monitoring & Operations

Attachments

Nil

11. MATTERS FOR NOTING

11.1. Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 Enforcement Activities

Prepared for: Regulatory Committee
Activity: Governance Report
Prepared by: Peter Kelliher, Legal Counsel
Date: 22 September 2017

1. Précis

This report details Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council during the period 26 August 2017 to 22 September 2017.

2. Resource Management Act 1991

2.1. Complaint Response

Table 1. Infringement Notices

Details	Period – 26 August 2017 to 22 September 2017	Total – from 1 July 2017
Disturbing the bed of a river - pugging	0	1
TOTAL	0	1

Table 2. Authorised Legal Proceedings

Details	Period – 26 August 2017 to 22 September 2017	Total – from 1 July 2017
Disturbing the bed of a river – mechanical excavation	0	1
TOTAL	0	1

Table 3. Abatement Notices

Details	Period – 26 August 2017 to 22 September 2017	Total – from 1 July 2017
To cease discharging a contaminant in breach of a regional rule	1	1
TOTAL	1	1

3. Recommendation

a) *That this report be noted.*

Endorsed by: Tanya Winter
Director Policy, Planning & Resource Management

Attachments

Nil

11.2. Consents and Building Control

Prepared for: Regulatory Committee
Activity: Governance Report
Prepared by: Marian Weaver, Resource Manager Procedures & Protocols
Date: 29 September 2017

1. Précis

This report covers consents and building control progress for the five-week period 25 August to 29 September 2017.

2. Consent Processing

2.1. Limited Notification

There are four applications under limited notification that are being processed at present.

2.2. Objections

2.2.1. RM17.123 Mt Cardrona Station Limited

The residual flow condition of this permit was objected to by the applicant. After discussions the objection was withdrawn.

2.3. Appeals

2.3.1. RM17084 Kye Burn

Application for deemed permit replacements went to a hearing on 23 June. The consents were granted and have been appealed by Otago Fish and Game. Kati Huirapa Runaka ki Puketeraki and Te Runanga o Otakou have joined the proceedings as interested parties under s274 of the RMA. Court assisted mediation is set down for Friday 20 October.

3. Consent Statistics

Table 1. Consents Statistics Summary

Reporting Period	Lodged			Rejected	Decision Given		
	Consents	Variations			Consents	Variations	
		Regular	Water reporting date			Regular	Water reporting date
16/17 Year total	385	63	14	0	373	70	13
1/7-14/7 2017	12	3	0	0	12	8	0
17/7-25/8 2017	42	23	1	0	46	11	1
25/8-29/9 2017	38	10	2	0	33	16	2
17/18 YTD	92	36	3	0	91	35	3

All decisions on consents were given within RMA allowed timeframes.

4. Deemed Permit Replacement.

There has been little work with permit holders in this period as it is a busy time of the year for some permit holders with lambing and calving. Staff leave was organised for this time. At present there are 374 current deemed permits left. The number is coming down slowly as permits are replaced, surrendered and a small number cancelled.

5. Consent Administration

Table 2. Consent Administration Statistics

Reporting Period	Transfers Received	Transfers Issued	S417 Certs Received	S417 Certs Issued
16/17 totals	263	242	9	12
1/7-14/7 2017	4	4	0	0
17/7-25/8 2017	22	20	2	0
25/8-29/9 2017	24	20	0	2
17/18 YTD	50	44	2	2

6. Building Consent Authority (BCA) Administration

Table 3: Building Act Statistics

	Building Permits		Certificate of Acceptance		Code Compliance Certificate	
	Received	Issued	Received	Issued	Received	Issued
16/17 totals	3	3	2	2	3	2
1/7-14/7 2017	0	0	1	0	0	0
17/7-25/8 2017	0	0	0	1	1	0
25/8-29/9 2017	0	0	0	0	0	0
17/18 YTD	0	0	1	1	1	0

7. Public Enquiries

277 enquiries were received during the 5-week reporting period. Details are set out in Attachment 1 to this report.

Table 4. Public Enquiries Statistics

Period	Number of Enquiries
16/17 year	2581
1/7-14/7 2017	97
17/7-25/8 2017	273
25/8-29/9 2017	277
17/18 YTD	647

8. Recommendation

a) *That this report is noted.*

Endorsed by: Tanya Winter
Director Policy, Planning & Resource Management

Attachments

1. Public Enquiries 25 August-29 September 2017 [11.2.1]

Public Enquiries 25 August-29 September 2017

Total Number of Enquiries

277

Enquiry Type	No.	% of Total
Current Consents	104	37.5 %
Mining Privileges	4	1.4 %
Other	23	8.3 %
Permitted Activities	89	32.1 %
Pre-application	35	12.6 %
Property Enquiries	16	5.8 %
TLA Enquiries	1	0.4 %
Transfers	5	1.8 %

Enquiry Location	No.	% of Total
Central Otago District Council	96	34.7 %
Clutha District Council	23	8.3 %
Dunedin City Council	42	15.2 %
Outside Otago	4	1.4 %
Queenstown Lakes District Council	40	14.4 %
Throughout Otago	5	1.8 %
Unspecified	51	18.4 %
Waitaki District Council	16	5.8 %

Enquiry Method	No.	% of Total
Counter	11	4 %
Email	188	67.9 %
Internet	2	0.7 %
Letter	1	0.4 %
Telephone	75	27.1 %

12. NOTICES OF MOTION

12. CLOSURE