



REGULATORY COMMITTEE AGENDA

WEDNESDAY 29 NOVEMBER 2017

Commencing at 10:30am

Council Chamber
70 Stafford Street, Dunedin

Membership

Cr Bryan Scott

Cr Sam Neill

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

(Chairperson)

(Deputy Chairperson)

Disclaimer

Please note that there is an embargo on agenda items until 8:30 am on Monday 27 November 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

2. LEAVE OF ABSENCE

Leave of Absence for Cr Laws noted.

3. ATTENDANCE

Nick Donnelly, (Acting CE, Director Corporate Services)
Sian Sutton, (Director Stakeholder Engagement)
Tanya Winter, (Director Policy, Planning & Resource Management)
Gavin Palmer, (Director Engineering, Hazards and Science)
Scott MacLean, (Director Environmental Monitoring and Operations)
Sally Giddens, (Director People & Safety)
Lauren McDonald, (Committee Secretary)
Ian McCabe, (Executive Officer)

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

NIL

7. PRESENTATIONS

NIL

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the meeting held on 18 October 2017 be received and confirmed as a true and accurate record.

Attachments

1. 08 Minutes of the Regulatory Committee - 18 October 2017 **[8.1.1]**



Minutes of a meeting of the Regulatory Committee held in the
Council Chambers at Otago Regional Council on Wednesday
18 October 2017, commencing at 2:09pm.

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 | |

1. APOLOGIES

The apologies of Cr Brown and Cr Noone were noted.

2. LEAVE OF ABSENCE

Leave of Absence for Cr Deaker was noted.

3. ATTENDANCE

| | |
|-----------------|------------------------------|
| Peter Bodeker | <i>(CEO)</i> |
| Nick Donnelly | <i>(DCS)</i> |
| Tanya Winter | <i>(DPPRM)</i> |
| Sian Sutton | <i>(DSHE)</i> |
| Gavin Palmer | <i>(DEHS)</i> |
| Scott MacLean | <i>(DEMO)</i> |
| Lauren McDonald | <i>(Committee Secretary)</i> |

4. CONFIRMATION OF AGENDA

The agenda was confirmed as tabled.

5. CONFLICT OF INTEREST

No conflicts of interest were advised.

6. PUBLIC FORUM

No public forum was held.

7. PRESENTATIONS

No presentations were held.

8. CONFIRMATION OF MINUTES

Resolution

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

Moved: Cr Scott
Seconded: Cr Woodhead
CARRIED

9. ACTIONS

(Status report on the resolutions of the Regulatory Committee).
No current items for action.

10. MATTERS FOR COUNCIL DECISION

10.1. Director's Report on Progress

The report outlined the regulatory activity for the reporting period 26 August to 29 September 2017, including: Biosecurity - *Mycoplasma bovis* and rabbit control; wallaby activity in the region, harbourmaster and compliance activities; wilding conifer control; freshwater biosecurity and the Environmental Risk Assessment (ERA) programme.

Mr MacLean outlined the Agricultural Compounds and Veterinary Medicines (ACVM) application process.

Resolution

a) *That this report is received.*

Moved: Cr Bell
Seconded: Cr Laws
CARRIED

10.2. Harbour Bylaws

The report provided an update on the progress on development of draft Harbour Bylaws for navigational safety in Otago waters, including the consultation process.

Mr MacLean provided a point of clarification for the references made to the Otago and Karitane harbours, which refer to the now lapsed 2004 bylaw. He advised the new draft bylaw would cover all navigational waters in Otago (including out to the 12 mile nautical limit), with the exception of those delegated to the Queenstown Lakes District Council (QLDC) and the Central Otago District Council (CODC).

Resolution

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

Moved: Cr Robertson
Seconded: Cr Hope
CARRIED

11. MATTERS FOR NOTING

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

The report detailed the Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken during the reporting period 26 August to 29 September 2017.

Resolution

That this report be noted.

Moved: Cr Kempton
Seconded: Cr Woodhead
CARRIED

11.2. Consents and Building Control

The report covered the consents and building control progress for the reporting period 25 August to 29 September 2017.

Resolution

That this report is noted.

Moved: Cr Bell
Seconded: Cr Neill
CARRIED

12. NOTICES OF MOTION

No Notices of Motion were advised.

12. CLOSURE

The meeting was declared closed at 2:34pm.

Chairperson

9. ACTIONS

Status report on the resolutions of the Regulatory Committee.

No current actions.

Attachments

Nil

10. MATTERS FOR COUNCIL DECISION

11. MATTERS FOR NOTING

11.1. Director's Report on Progress

Prepared for: Regulatory Committee
Activity: Governance Report
Prepared by: Scott MacLean, Director Environmental Monitoring and Operations
Date: 10 November 2017

1. Précis

This report describes the Regulatory activity for the reporting period 29 September 2017 - 10 November 2017.

2. Biosecurity

2.1. *Mycoplasma bovis*

ORC Biosecurity staff have been assisting Ministry for Primary Industries in their *Mycoplasma bovis* incursion response. ORC staff have been heavily involved in the response during this period. The depopulation of 4000 cattle from four infected properties in South Canterbury and North Otago in hope of containing the disease is underway, this will be followed by intensive decontamination of these farms prior to restocking.

2.2. Rabbits

The following is a summary and an update of RHDV1 K5 application for release.

Applications have been made under both the Agricultural Chemicals and Veterinary Medicines (ACVM) Act 1997 and the Biosecurity Act 1993. The ACVM application has been notified in the New Zealand Gazette on 1 November 2017, submissions close on 14 December 2017.

ACVM application

- Decisions on deviations were received on 12 September - all deviations are approved.
- ACVM application was submitted on 6 October.
ACVM application was publicly notified on 1 November and is now open for public submissions.

Unwanted Organism Application

- Application was submitted on 7 October alongside the final ACVM application.
- Application is in progress.

Biosecurity Permit and Import Permit

- ACVM biosecurity permit was submitted on 7 October.
- Application is in progress.
- Draft import permit has been prepared.

Operational planning

- An operational protocol has been completed to support the release.
- This protocol has been included in the ACVM application.

Stakeholder Engagement and Communications

- Stakeholder engagement is ongoing in line with confirmed strategy.
- Website resource is live.
- Communication material has been prepared for circulation.

2.3. Wallaby activity

Four reports of wallaby sightings were made this reporting period, three of the four wallabies reported are dead including two near Georgetown Oamaru, one wallaby found dead, believed dumped in Balclutha, and one wallaby was shot and killed by a helicopter operator in Dunstan Creek. Inspections and surveillance is continuing.

Landcare Research Ltd. is undertaking a research project developing thermal imaging technology to assist with low density wallaby detection. This project is a collaboration between ORC, Environment Canterbury and Landcare Research Ltd. Part of the project involves the live capture of wallaby, fitting of GPS collars and releasing the animals in order to track them with the thermal technology, testing efficacy in a range of environments and cover.

3. Compliance activity

Dairy property inspections have started for the 2017/18 season to assess compliance with the Regional Plan rules. Inspections were delayed following the July floods to allow farmers in the most affected areas to concentrate on flood clean up and animal welfare.

As per the 2017/18 annual plan this year's inspections will focus on properties which have a higher risk of non-compliance with the rules (based on factors such as infrastructure, waterways on properties, catchment water quality status). The Dairy monitoring program also informs the Environmental Risk Assessment project.

Routine consent auditing continues, with 5 of the 47 consents audited during this period receiving a grade of significant non-compliance primarily due to exceedances of consented thresholds. Follow up work is ongoing with these consent holders. Inspections have been completed on 5 Regionally Significant Wetlands over the reporting period. No issues were identified during the site visits.

Council is an active member of the Compliance and Enforcement Special Interest Group (CESig). The group comprises all Regional and Unitary authority compliance and enforcement managers. The group is proactively sharing information and looking at consistency across the sector. Recently, CESig produced the Regional Sector Strategic Compliance Framework that sets out a nationally consistent approach to compliance and enforcement. As part of the framework the regional sector is actively promoting a peer review of each Councils methods, procedures and protocols for dealing with RMA non-compliance. This Council was audited on 30 October – 2 November by CESig members and it was very pleasing to note that the auditors were impressed with the level of expertise, structure and procedures that this Council has. A formal report of their audit is pending.

4. Freshwater Biosecurity

ORC biosecurity staff attended the International Jet Boat racing competition at Lakes Dunstan and Wakatipu to set up Check-Clean-Dry decontamination stations for lagarosiphon, didymo and lake snow. It was a requirement for competitors to decontaminate equipment before moving between waterways.

Hessian matting has been laid down by LINZ contractors in a trial area of the Kawarau River over an infestation of lagarosiphon. This is the first time the matting has been laid in a river in fast flowing water. Extra care has to be taken to ensure the matting is securely fixed to the bed of the river. At this stage results look promising, although there are limitations in this river due to the high number of dead willows fixed to the bed which creates considerable difficulties in being able to lay the matting.

5. 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 on small properties of less than 10 hectares. This will involve reviewing farms and the contexts within which they operate to assess in broad terms their level of risk. A focus of the desktop assessments will be around waterway and drainage risks.

Initial discussions have been held with an independent consultant to undertake the pilot program of field inspections and discussions with the farming community in a selected catchment. The focus of the pilot will be around community understanding of the rural water quality rules, assessing and understanding of potential risks of farm practice on rural water quality, offer to take a discharge (schedule 16) sample and to see whether farming practices have changed to meet the rural water quality rules. The pilot is expected to start in January 2018.

6. Regional Pest Management Plan review

A stakeholder forum was held this reporting period focussing on biodiversity and pest management. The forum was well attended with an array of feedback given. Public drop-in sessions have commenced to seek input from community members on their views regarding pest management. Sessions are being held in Dunedin, Balclutha, Oamaru and Cromwell. There will also be an online opportunity for people to share their views on how pests should be managed and those pests that require regulation to be most effectively managed.

Information gathered during these sessions will assist in identifying pests that may be considered for inclusion in the RPMP. Once a draft list of pest subjects has been compiled, each subject will undergo a cost-benefit-analysis against a range of management scenarios.

7. Recommendation

a) *That this report is received.*

Endorsed by: Scott MacLean
Director Environmental Monitoring & Operations

11.2. Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 Enforcement Activities from 23 September 2017 to 10 November 2017

Prepared for: Regulatory Committee
Activity: Environmental - Investigations and Enforcement Action
Prepared by: Peter Kelliher, Legal Counsel
Date: 10 November 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 23 September 2017 to 10 November 2017.

2. Resource Management Act 1991

a) Complaint Response

Table 1. Infringement Notices

| Details | Period – 23 September 2017 to 10 November 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 – 23 September 2017 to 10 November 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 – 23 September 2017 to 10 November 2017 | Total – from 1 July 2017 |
|---|--|--------------------------|
| To cease discharging a contaminant in breach of a regional rule | 0 | 1 |
| TOTAL | 0 | 1 |

3. Building Act 2004

11 Notices to Fix were issued with respect to earth embankment dams in the Otago region. The Notices were issued for building work that did not comply with the New Zealand Building Code.

4. Recommendation

That this report be noted.

Endorsed by: Scott MacLean
Director Environmental Monitoring and Operations

11.3. Consents and Building Control

Prepared for: Regulatory Committee
Activity: Governance Report
Prepared by: Marian Weaver, Resource Manager Procedures & Protocols
Date: 13 November 2017

1. Précis

This report covers consents and building control progress for the six-week period 29 September to 10 November 2017.

2. Consent Processing

2.1. Public Notification

RM17.229 Peter Graham – to place a pontoon in, and occupy the CMA at Vauxhall. This is a proposal for a golf hole-in-one activity and is a joint process with the Dunedin City Council. At the close of submissions there were 18 submissions made to both Councils; 6 in support, 2 neutral and 10 opposing. A hearing is being set up for the new year.

2.2. Limited Notification

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

2.3. Objections

There are two applications where costs have been objected to. Correspondence with the objectors is underway. If hearings are required, this will be set up.

2.4. Appeals

2.4.1. RM17084 Kyeburn

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 on 20 October resulted in the mediation being suspended while the parties consider options. Reporting back is required by 1 December.

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 |
| 2016/2017 Year Total | 385 | 63 | 14 | 0 | 373 | 70 | 13 |
| 1/7 to 14/7 2017 | 12 | 3 | 0 | 0 | 12 | 8 | 0 |
| 17/7 to 25/8 2017 | 42 | 23 | 1 | 0 | 46 | 11 | 1 |
| 25/8 to 29/9 2017 | 38 | 10 | 2 | 0 | 33 | 16 | 2 |
| 29/9 to 10/11 2017 | 62 | 6 | 1 | 0 | 50 | 6 | 0 |
| 2017/2018 YTD | 154 | 42 | 4 | 0 | 141 | 41 | 3 |

All decisions on consents were given within RMA allowed timeframes.

4. Deemed Permit Replacement.

See separate report on agenda.

5. Consent Administration

Table 2. Consent Administration Statistics

| Reporting Period | Transfers Received | Transfers Issued | S417 Certs Received | S417 Certs Issued |
|-------------------------|--------------------|------------------|---------------------|-------------------|
| 2016/2017 Totals | 263 | 242 | 9 | 12 |
| 1/7 to 14/7 2017 | 4 | 4 | 0 | 0 |
| 17/7 to 25/8 2017 | 22 | 20 | 2 | 0 |
| 25/8 to 29/9 2017 | 24 | 20 | 0 | 2 |
| 29/9 to 10/11 2017 | 26 | 26 | 0 | 1 |
| 2017/2018 YTD | 50 | 44 | 2 | 3 |

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 |
| 2016/2017 Totals | 3 | 3 | 2 | 2 | 3 | 2 |
| 1/7 to 14/7 2017 | 0 | 0 | 1 | 0 | 0 | 0 |
| 17/7 to 25/8 2017 | 0 | 0 | 0 | 1 | 1 | 0 |
| 25/8 to 29/9 2017 | 0 | 0 | 0 | 0 | 0 | 0 |
| 29/9 to 10/11 2017 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2017/2018 YTD | 0 | 0 | 1 | 1 | 1 | 0 |

7. Public Enquiries

217 enquiries were received during the 6-week reporting period. Details are set out in Attachment 1 to this report.

Table 4. Public Enquiries Statistics

| Period | Number of Enquiries |
|-----------------------|---------------------|
| 2016/2017 Year | 2581 |
| 1/7 to 14/7 2017 | 97 |
| 17/7 to 25/8 2017 | 273 |
| 25/8 to 29/9 2017 | 277 |
| 29/9 to 10/11 2017 | 217 |
| 2017/2018 YTD | 864 |

8. Recommendation

That this report is noted.

Endorsed by: Tanva Winter

Director Policy, Planning & Resource Management

Appendix 1 Public Enquiries

Total Number of Enquiries

217

| Enquiry Type | No. | % of Total |
|----------------------|-----|------------|
| Current Consents | 95 | 43.8 % |
| Mining Privileges | 1 | 0.5 % |
| Other | 13 | 6 % |
| Permitted Activities | 65 | 30 % |
| Pre-application | 26 | 12 % |
| Property Enquiries | 12 | 5.5 % |
| TLA Enquiries | 1 | 0.5 % |
| Transfers | 4 | 1.8 % |

| Enquiry Location | No. | % of Total |
|-----------------------------------|-----|------------|
| Central Otago District Council | 93 | 42.9 % |
| Clutha District Council | 11 | 5.1 % |
| Dunedin City Council | 23 | 10.6 % |
| Outside Otago | 3 | 1.4 % |
| Queenstown Lakes District Council | 33 | 15.2 % |
| Throughout Otago | 9 | 4.1 % |
| Unspecified | 34 | 15.7 % |
| Waitaki District Council | 11 | 5.1 % |

| Enquiry Method | No. | % of Total |
|----------------|-----|------------|
| Counter | 8 | 3.7 % |
| Email | 163 | 75.1 % |
| Letter | 1 | 0.5 % |
| Telephone | 45 | 20.7 % |

11.4. Report on Deemed Water Permit Replacement

Prepared for: Regulatory Committee
Activity: Water and Deemed Permit Renewal pre 2021
Prepared by: Marian Weaver, Resource Manager Procedures & Protocols
Date: 13 November 2017

1. Précis

The Water Plan promotes the replacement of deemed permits and other water permits that expire in 2021, to be held by water management groups. This project implements the Plan policies and this report notes progress.

2. Promotion of Group Formation

A prime focus of the project is to meet with clusters of deemed permit holders based on catchments, in order to outline the steps required for deemed permit replacement and encouragement to form water management groups.

The following meetings with groups have been held or are scheduled:

- Round 1 is where consent holders are meeting for the first time with staff;
- Rounds 2 and 3 are follow-up meetings where affected parties become involved.

| |
|--|
| November/December 2017 – Round 1 |
| Manuherikia (Omakau and Becks) |
| Gibbston (Camp Creek) |
| |
| January to March 2018 – Round 1 |
| Albert Burn |
| Dunstan Creek |
| Lower Manuherikia (4 minor tributaries) |
| Northburn |
| Teviot |
| |
| January to March 2018 – Round 2 & 3 |
| Amisfield/Parkburn |
| Crown Terrace |
| Gibbston Valley |
| Keogh Creek (immediately south of Lowburn) |
| Lowburn |
| Manorburn |
| South Ranfurly |
| Strath Taieri |
| Styx |
| Teviot – Coal Creek |
| |
| April to June 2018 – Round 2 & 3 |
| Arrow Irrigation Company |
| Cardrona |
| Fraser |

3. Other Presentations

On 28 October 2017, staff presented a paper at the Otago – Southland Law Society Conference in Queenstown, on issues to do with transferring and replacement consents and deemed permits, and the group water management work that ORC is undertaking.

4. Progress on Objectives & Targets

4.1 Performance Measure 1:

Water taken under deemed permits are replaced by resource permits (water permits) by 2021, less any permits cancelled or surrendered.

4.2 Performance Target 2:

50% of the volume of water taken in Otago under consents is being managed by groups at 1 October 2021; 50% of water permits are managed through groups or water allocation committees.

All deemed permits are replaced or have applications lodged by 31 March 2021.

4.3 Progress on Objectives:

For reporting purposes, a “group” includes existing irrigation companies and Territorial Authorities.

Table 1. Allocated Surface Water

| | Total | Groups | TLA | Other | % Held by Groups & TLAs |
|--------------------|--------------|---------------|------------|--------------|------------------------------------|
| l/sec | 322,154 | 69,508 | 5,685 | 246,961 | 23.3% |
| No. Permits | 1,152 | 131 | 71 | 950 | 17.5% |

No change since last report.

Including the impact of the water measuring regulations, (some cancellations and surrenders and consent replacement) the number of deemed surface water permits is slowly decreasing. In April 2014 there were 458, and on 13 November 2017 there were 371 deemed permits remaining.

5. Recommendation

That the report is noted.

Endorsed by: Tanya Winter

Director Policy, Planning & Resource Management

12. NOTICES OF MOTION

12. CLOSURE