



REGULATORY COMMITTEE AGENDA

WEDNESDAY 31 JANUARY 2018

10:30am

Venue: Cargill Room, Scenic Circle Hotel
Southern Cross, Princes Street, Dunedin

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

Disclaimer

Please note that there is an embargo on agenda items until 8:30 am on Monday 29 January 2018. 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

3. ATTENDANCE

4. CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

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

8.1. Minutes

Recommendation

That the minutes of the meeting held on 29 November 2017 be received and confirmed as a true and accurate record.

Attachments

1. Regulatory Committee Minutes - 29 November 2017 **[8.1.1]**

9. ACTIONS

(Status report on the resolutions of the Regulatory Committee)

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: 11 January 2018

1. Précis

This report describes the Regulatory activity for the reporting period 11 November 2017 to 11 January 2018.

2. Low flows

A number of rivers in Otago continue to have very low flows. Main stem rivers such as the Kakanui and Taieri have dropped below minimum flows on a number of occasions over this reporting period.

On the 18th December I spoke to the Kyeburn Irrigation Group about the low flow situation and discussed ORC's expectations around compliance over this period. The Kyeburn group initiated voluntary rostering of water takes early in December. The Maniototo Irrigation Company (MIC) undertook the initiative of releasing more water into the river system than their consent requires. This was done to assist in upholding the minimum flow for as long as possible and for river health.

The voluntary initiatives of both the Kyeburn Irrigation Group and MIC are excellent examples of the community working together to manage the water resource during times of low flow, and demonstrates the benefits of working together with regards to water use.

Staff continue to monitor water use and water take data closely, including ensuring compliance with residual flow consent conditions.

3. Predator Free 2050

In late November I met with a number of Queenstown and Wanaka community groups undertaking predator control in the Southern Lakes area. The groups have formed a consortium, with the support of the Department of Conservation, to enable a structured and strategic approach to predator control in the area. The work being undertaken by the consortium is impressive and includes areas of trapping using devices funded through ORC's Environmental Enhancement Fund. I will be joining the consortium on a field trip in February to see the work in action and to further discuss how the ORC may support the initiative.

4. Biosecurity

4.1. Mycoplasma bovis

Staff continue to provide support to MPI for this incursion, undertaking weekly inspections on four properties in Otago that have restricted place notice status, or are under notices of direction.

All ORC staff involved in farm visits are expected to complete on-farm biosecurity decontamination protocols before moving between properties.

4.2. Rabbits

Update on the K5 project.

The application is currently being processed. The period for the submissions has closed. A decision is expected at the end of the 70 working day period which falls late February. If the decision is favourable, a coordinated nationwide release will occur April 2018.

4.3. Wallaby activity

One wallaby reported sighting near Dunedin was followed up on 10 December 2017. The area contains very dense vegetation. While no sign was found, it is interesting to note that a number of wallabies had been reported in the same area in 2011, and ORC was not able to find any wallabies or sign at that time.

5. Compliance activity

39 dairy effluent inspections on properties with risk rankings of 2 & 3 have been conducted over this reporting period. 38 properties were found to be compliant at the time of the inspection, with one property being non-compliant. Enforcement action is underway for this property.

84 consent related site visits have been conducted over this reporting period. 27 consents were graded as compliant, 16 graded as non-compliant, no environmental effects and 19 graded as non-compliant, potential or actual environmental effects, including water permits where no meter is installed. Where appropriate, enforcement action is being undertaken for non-compliant consents.

Water Permit minimum flow compliance checks are continuing in catchments where minimum flows are active or are close to minimum flow levels.

6. Freshwater Biosecurity

Two Check Clean Dry advocates have been engaged to implement the joint MPI / ORC programme targeting all recreational water users throughout the Central Otago and Queenstown Lakes districts. The programme commences at Christmas time and runs until 6 February 2018. In addition to this, outside this time frame, staff will be attending major aquatic sporting events promoting the CCD message and setting up decontamination stations.

7. Regional Pest Management Plan review

Following on from the pest management and biodiversity stakeholder workshop and public engagement in October of last year and workshopping with the Pest Reference Group, we are now at the stage where we have a draft list of possible species and programmes for the Pest Management Plan for Otago. This has been circulated to key stakeholders for feedback prior to undertaking a cost benefit analysis and cost allocation analysis in accordance with the Biosecurity Act 1993, and further refinement before notification mid this year.

8. 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 11 November 2017 to 11 January

Prepared for: Regulatory Committee
Activity: Environmental - Enforcement Action
Prepared by: Peter Kelliher, Legal Counsel
Date: 11 January 2018

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 10 November 2017 to 11 January 2018.

2. Resource Management Act 1991

a) Complaint Response

Table 1. Infringement Notices

Details	Period – 10 November 2017 to 11 January 2018	Total – from 1 July 2017
Disturbing the bed of a river - pugging	0	1
Disturbing the bed of a river – mechanical excavation	4	4
TOTAL	4	5

Table 2. Authorised Legal Proceedings

Details	Period – 10 November 2017 to 11 January 2018	Total – from 1 July 2017
Disturbing the bed of a river – mechanical excavation	0	1
Discharge of contaminants to land in a manner where it may enter water - sediment	1	1
TOTAL	1	2

Table 3. Abatement Notices

Details	Period – 10 November 2017 to 11 January 2018	Total – from 1 July 2017
To cease discharging a contaminant in breach of a regional rule	0	1
TOTAL	0	1

3. Recommendation

That this report is received.

Endorsed by: Scott MacLean

Director Environmental Monitoring and Operations

11.3. Consents and Building Control

Prepared for: Regulatory Committee
Activity: Report on Resource Consent and Building Act Activity
Prepared by: Marian Weaver, Resource Manager Procedures & Protocols
Date: 11 January 2018

1. Précis

This report covers consents and building control progress for the period 13 November 2017 to 11 January 2018.

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 set down for Monday 19 February.

2.2. Limited Notification

There are eight 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 2017. 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 2017 resulted in the mediation being suspended while the parties consider options. Reporting back was required by 22 December 2017, and this date has been extended to 31 January 2018.

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
13/11/17-11/01/2018	63	9	5	0	64	6	5
2017/2018 YTD	217	51	9	0	205	47	8

All decisions on consents were given within RMA allowed timeframes. A graph showing consent numbers since the enactment of the RMA is shown in Appendix 2.

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
13/11/17-11/01/18	27	31	0	1
2017/2018 YTD	103	103	2	4

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
13/11/17-11/01/2018	2	0	0	0	0	1
2017/2018 YTD	2	0	1	1	1	1

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
13/11/2017-11/01/2017	354
	1217

8. Recommendation

That this report is noted.

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

Appendix 1 Public Enquiries

Resource Consent Public Enquiry Report

For period from 13 November 2017 to 11 January 2018

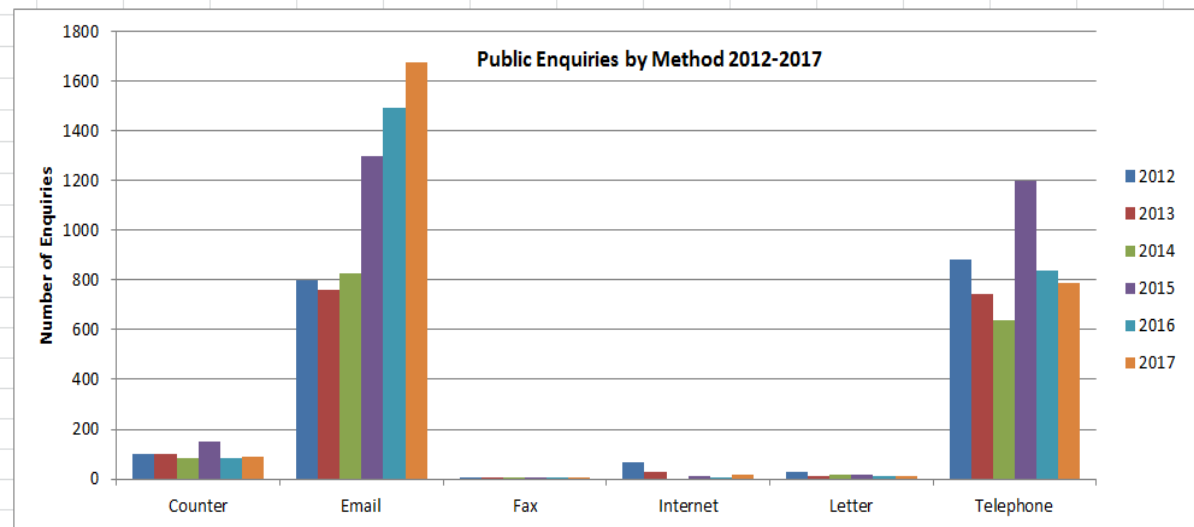
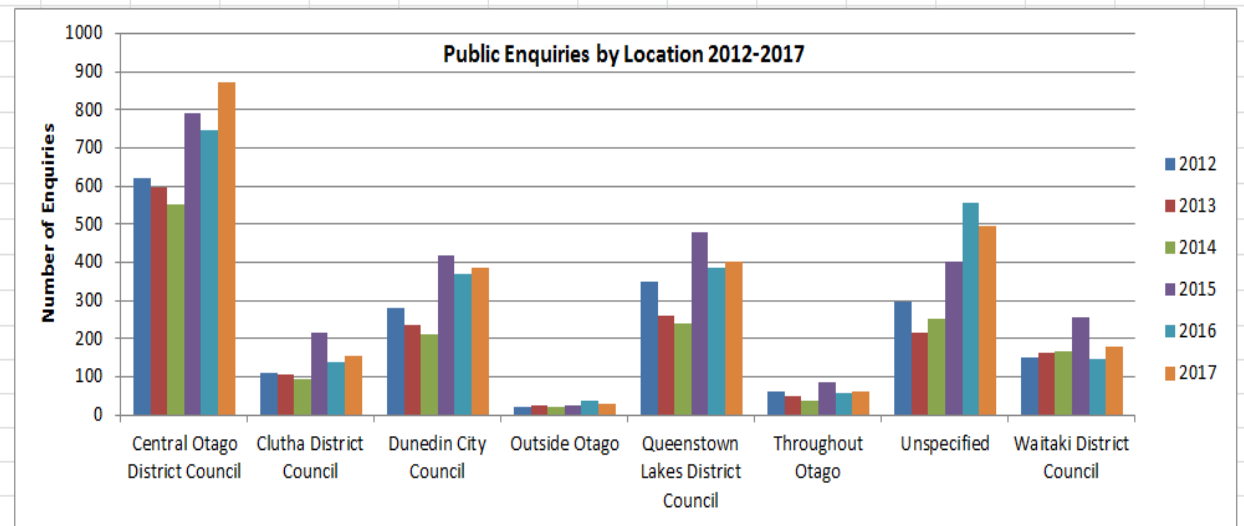
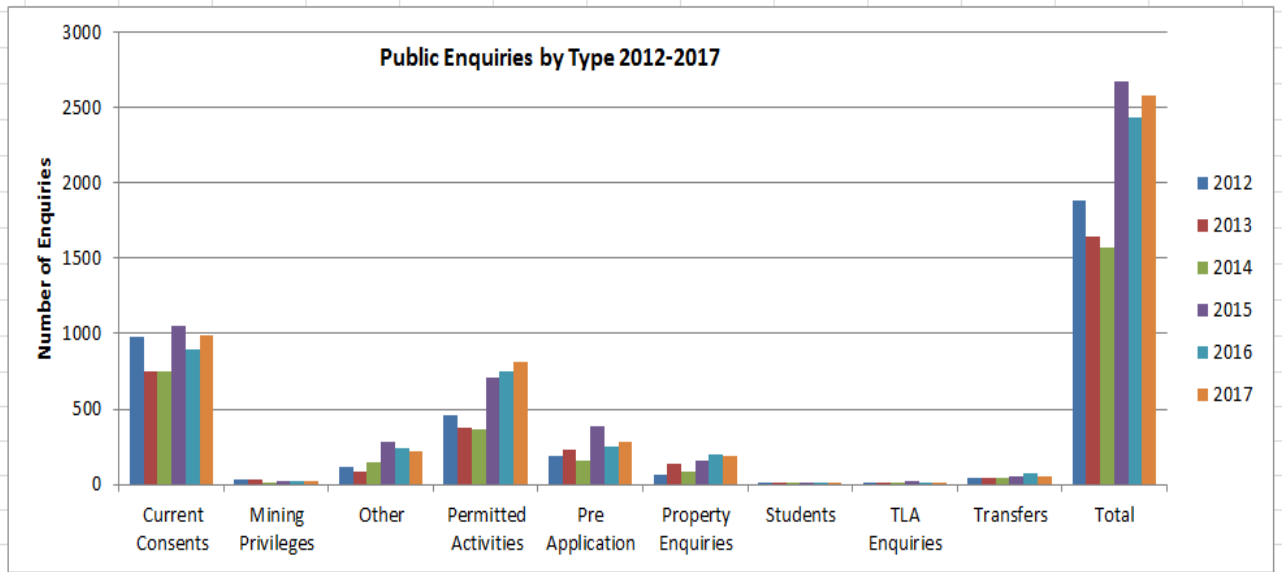
Total Number of Enquiries

354

Enquiry Type	No.	% of Total
Current Consents	162	45.8 %
Mining Privileges	3	0.8 %
Other	18	5.1 %
Permitted Activities	93	26.3 %
Pre-application	47	13.3 %
Property Enquiries	20	5.6 %
TLA Enquiries	1	0.3 %
Transfers	10	2.8 %

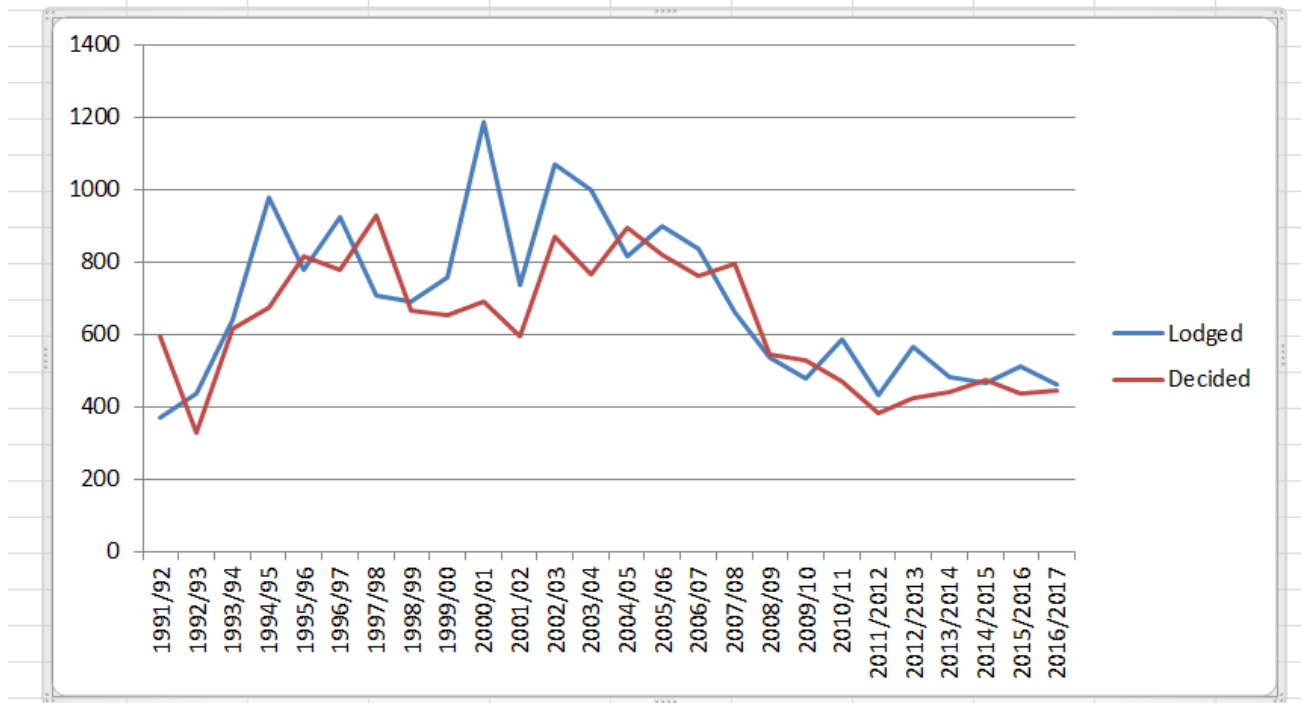
Enquiry Location	No.	% of Total
Central Otago District Council	136	38.4 %
Clutha District Council	22	6.2 %
Dunedin City Council	45	12.7 %
Outside Otago	4	1.1 %
Queenstown Lakes District Council	75	21.2 %
Throughout Otago	4	1.1 %
Unspecified	36	10.2 %
Waitaki District Council	32	9 %

Enquiry Method	No.	% of Total
Counter	13	3.7 %
Email	225	63.6 %
Internet	7	2 %
Telephone	109	30.8 %



Appendix 2

Graph Showing Summary of Consents Applied for and Decided



Consents Lodged and Decided - 91/92 to 16/17

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: 11 January 2018

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)
February to March 2018 – Round 1
Gibbston (Camp Creek)
Albert Burn
Dunstan Creek
Lower Manuherikia – 4 tributaries
John Bull Creek
Teviot Valley
February to March 2018 Round 2 or 3
Amisfield/Parkburn
Crown Terrace
Gibbston Valley
Keogh Creek (South of Lowburn)
Lowburn
Manorburn
South Ranfurly
Strath Taeiri
Coal Creek - Teviot
April to June 2018 Round 2 or 3
Arrow
Cardrona
Conroys & Omeo

Manuherikia meetings held in November were poorly attended. These meetings were not specific to any targeted water bodies, where attendance to date has been good. From this poor attendance we assume that deemed permit holders in the Manuherikia catchment have a good understanding, and help with deemed permit replacement.

3. Other Activity

A meeting with the stakeholders to the deemed permit replacements was held on 11 December. Progress with groups and the upcoming fish survey work was discussed.

A sub Project to fill gaps in the website Fish & Flow portal has been started. In this project electric fishing in specified streams will be undertaken, and the information placed on the portal and also used in ORC's State of the Environment Reporting. Requests for Proposals went out to suitably qualified parties in December and the process for arranging a contract for the work is being organised. The work will be completed in late summer and autumn.

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.

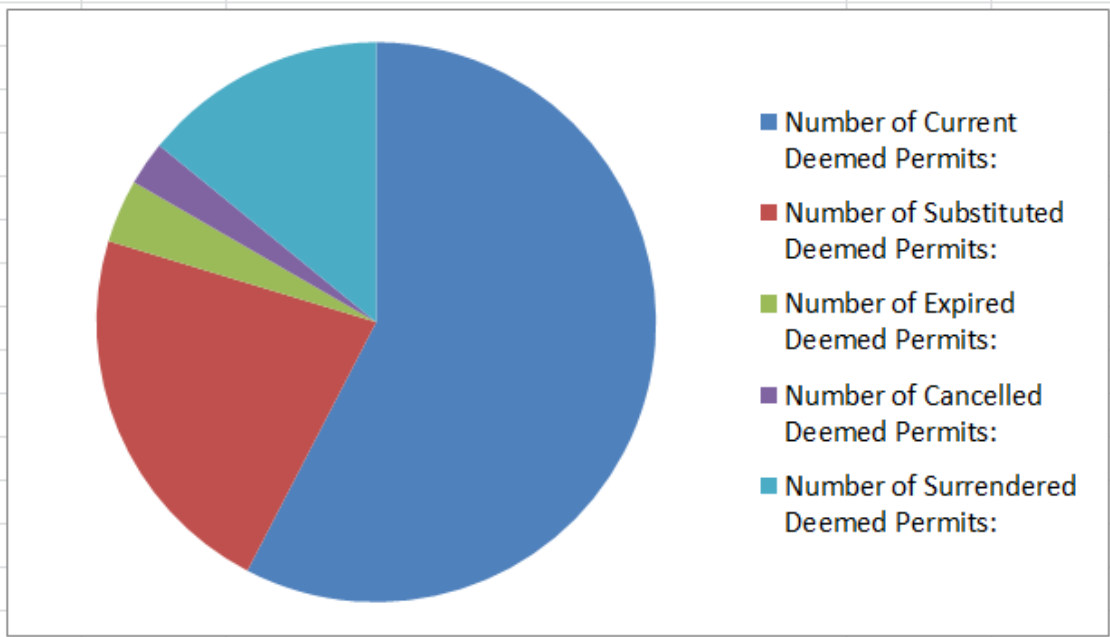
Table 1. Allocated Surface Water

	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 12 January 2018 there were 370 deemed permits remaining.

A graph showing the changing status of deemed permits is set out below. This information is from records held since 2010:



Total Number of Deemed Permits:	637
Number of Current Deemed Permits:	370
Number of Substituted Deemed Permits:	139
Number of Expired Deemed Permits:	23
Number of Cancelled Deemed Permits:	16
Number of Surrendered Deemed Permits:	89

5. Recommendation

That the report is noted.

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

12. NOTICES OF MOTION

13. CLOSURE