

# REGULATORY COMMITTEE AGENDA

## WEDNESDAY 2 MAY 2018

8:30 am, Auditorium, Toitū Museum  
31 Queens Gardens, Dunedin

### 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 30 April 2018. Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

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## **1. APOLOGIES**

## **2. LEAVE OF ABSENCE**

Cr Graeme Bell

## **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**

### **8.1. Minutes**

#### **Recommendation**

*That the minutes of the meeting held on 21 March 2018 be received and confirmed as a true and accurate record.*

#### **Attachments**

1. Minutes of the Regulatory Committee - 21 March 2018 **[8.1.1]**

## 9. ACTIONS

Status report on the resolutions of the Regulatory Committee.

Report No.	Meeting	Resolution	Status
<b>11.3</b> Managing the use of coal for domestic heating in Otago and New Zealand (Technical Committee)	31/1/2018	<i>That the matter of the ability to enforce the current Regional Air Plan AirZone 1 provisions be considered by the Regulatory Committee</i>	In process
<b>11.4 and 11.5</b> Enforcement Process and Reporting	21/3/18	<i>Revision of the enforcement process report be added to the ORC website.</i>	In process

### 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:** 9 April 2018

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#### 1. Précis

This report describes the Regulatory activity for the reporting period 27 February 2018 to 9 April 2018.

#### 2. Biosecurity

##### 2.1. Freshwater Biosecurity

The Check Clean Dry campaign is now complete. In addition to the day to day activities of advocates work, the following major events were attended with points set up to ensure boats were cleaned and free of Lagarosiphon at Cromwell before going to Glenorchy, or via the use of decontamination stations set up for the competitors to be able to decontaminate their wetsuits.

- International Jet Boating Sprints – October 2017
- Lakes Hayes Triathlon – 27 December 2017
- Lake Dunstan Triathlon – 2 January 2018
- Old4New Life Jacket Swap Events – Wanaka 7 January 2018, Clyde and Cromwell 8 January 2018, and Queenstown 9 January 2018.
- Ruby Island (Lake Wanaka) Swim – 27 January 2018
- Challenge Wanaka 17 February 2018
- Macpac Motatapu 10 March 2018

While the advocates were undertaking their work, as part of the CCD national programme, advocates nationwide were requested to undertake a survey of as many water users as possible. In Otago, 471 surveys were completed. The survey questions and results are included as Appendix 1 with this report.



**Figure 1: Check Clean Dry decontamination station at MacPac Motatapu in Arrowtown on 10th March 2018**

## **2.2. Rabbits – RHDV-1 K5 Operational roll-out**

RHDV1 K5 has now been released at around 100 sites throughout Otago. Prior to the releases two prefeed's of carrot were carried out to get the rabbits onto the bait. The releases of carrot laced with K5 were made from 12 March through to 20 March.

Staff have been collecting samples from dead rabbits and have sent these for analysis to confirm the presence of K5 in the wild rabbit population. The first case of RHDV1 K5 in New Zealand has been confirmed and the World Organisation for Animal Health (OIE) have been formally notified, this sample was from an Otago site.

Monitoring of sites for dead rabbits will continue for the next few weeks with population counts planned for mid to late May. We are hearing of varying results from the K5 virus, however these reports are anecdotal at this stage and we expect to have more robust data post the planned counts.

## **2.3. Wallaby activity**

- 27 February 2018 – Wallaby Destroyed near Ranfurly
- 27 February 2018 – Wallaby found dead at Waianakarua
- 6 March 2018 – Luggate Cromwell Highway – inspection showed that that it was not a wallaby
- 15 March 2018 – Eweburn Ranfurly – reporting of two wallabies. Inspection resulted in nothing being located.
- 18 March 2018 – Buster Road Naseby – report of one wallaby - Inspection resulted in nothing being located.

- 2 April 2018 – Mount Stalker inland from Herbert in North Otago – under investigation.

To increase wallaby publicity, signs are now being erected at popular hunting places in Central Otago.



**Figure 2: Wallaby signs posted at hunting locations in Central Otago**

### **3. Compliance activity**

Over this reporting period, 44 consent audits have been conducted. The majority were for water permits. Three water permit holders received abatement notices and one received an infringement notice as a result of the audits for breach of consent limits and failing to supply data.

There are currently 1,942 water permits greater than 5l/s. All of these permits require metering under the Water measuring regulations. Of these, 190 are yet to install measuring. These consents have lapse dates ranging from September 2018 through to November 2026 for the consent holder to give effect to their consent. All consent holders who have not yet installed measuring will be issued with Abatement Notices in the coming weeks prohibiting the abstraction of any water under their consent (water can still be taken under the permitted activity rules), until measuring is installed and they are fully compliant with the Regulations. It is expected that a number of these permits will be surrendered as they are not in use/not able to be used but have a perceived value to the property.

Water take records are due for submission by 31 July annually. A large number of consent holders are now sending in daily data via telemetry to the Council which makes assessment with consent limits timely. In the past, there had been issues with some third-party data service providers failing to provide adequate services to their clients. Examples included failing to download dataloggers in a timely manner and provide the data to the ORC (by 31 July), failing to address telemetry issues in a timely manner when devices stopped transmitting, resulting in loss of data and the ability to assess compliance, and failing to provide an adequate verification/maintenance service, particularly for open channel water takes.

Consents which had datalogger issues last season and were unable to provide their water take data and are experiencing similar issues this season and therefore not able to provide data, may be put up for a review to have the frequency with which they are required to download data increased or require the holder to install telemetry. This will ensure Council is provided with timely and accurate data.

#### **4. Environmental Risk Assessment programme**

Currently 485 desktop assessments of properties 2-10Ha have been conducted. These include assessments for the Shag Catchment, and others in the Waitaki District area. The tender for the pilot study in the Shag Catchment for properties greater than 10Ha (204 properties in the Shag Catchment) has been granted, and work towards this has commenced.

Desktop assessments (properties 2-10Ha) consider the geophysical attributes of the property, including soil drainage, slope, nitrogen leaching risk, whether there are waterways on the property and the order (size) of the waterway, whether there are constructed drains and where these go to, and the water quality for the catchment that the property is located within.

The pilot study in the Shag catchment, for larger properties, is aimed at engaging, educating and encouraging the uptake of good management practices to achieve improved water quality outcomes. It is hoped that through discussions about how the Water Plan works and what it means for the landowner, people will identify changes that may need to be made to the way their property is managed in the future to help maintain Good Water in Otago.

#### **5. Recommendations**

- a) *That this report is received and noted.*

**Endorsed by:** Scott MacLean  
**Director Environmental Monitoring & Operations**



## **11.2. 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:** 6 April 2018

### **1. Précis**

This report covers consents and building control, and deemed permit replacement progress for the period 23 February to 6 April 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. The hearing was on 19 February and the Hearing Panel requested further information of the applicant which was received on 6 April. The information is being sent to submitters for comment, and the applicant will then have time to comment. A decision is pending.

#### **2.2. Limited Notification**

There are nine 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. There is one objection to consent conditions from the DCC and it is being processed.

#### **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 three times and is now 20 April 2018. Since 2017 amended consent conditions have been circulating between parties. There has also been the development of a freshwater fish management plan outside of the consent conditions.

## 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
<b>2016/2017 Year Total</b>	<b>385</b>	<b>63</b>	<b>14</b>	<b>0</b>	<b>373</b>	<b>70</b>	<b>13</b>
01/07/17 to 14/07/17	12	3	0	0	12	8	0
17/07/17 to 25/08/17	42	23	1	0	46	11	1
25/08/17 to 29/09/17	38	10	2	0	33	16	2
29/09/17 to 10/11/17	62	6	1	0	50	6	0
03/11/17 to 11/01/18	63	9	5	0	64	6	5
12/01/18 to 23/02/18	55	3	0	1	49	9	0
26/02/18 to 06/04/18	59	6	0	0	49	3	1
<b>2017/2018 YTD</b>	<b>331</b>	<b>60</b>	<b>9</b>	<b>1</b>	<b>303</b>	<b>59</b>	<b>9</b>

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.

### 3. Deemed Permit Replacement.

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.

A 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 have been held or planned

Strath Taieri	2 April
Styx	3 April
Mid Taieri tribs	4 April
Northburn tribs	5 April
Gibbston (GIC)	9 April
Conroys/Fraser	10 April
Arrow tribs	11 April
Cardrona	12 April
Teviot – north	1 May
Teviot – south	2 May
Upper Clutha (Lake Hawea & Wanaka tribs)	3 May

370 deemed water permits remain. In 2014 there were 458; therefore the number is decreasing slowly. A number of groups are working with consultants to gather information for preparation of replacement consent applications. 16 of the 26 permits being replaced in the Lindis catchment which had direct deferral to the Environment

Court are deemed permits. There are 24 deemed permits being replaced in the Kyeburn catchment, currently under appeal.

A presentation was given to the Dunedin property lawyers of the local Law Society on 8 March. A short paper on the benefits of group water management is being given at the Irrigation NZ Conference mid-April in Alexandra.

A contractor has begun work on undertaking fish surveys in streams where such information is poor or absent. So far there has been good cooperation from landowners in allowing access to do this work.

#### 4. Consent Administration

**Table 2. Consent Administration Statistics**

Reporting Period	Transfers Received	Transfers Issued	S417 Certs Received	S417 Certs Issued
<b>2016/2017 Totals</b>	<b>263</b>	<b>242</b>	<b>9</b>	<b>12</b>
01/07/17 to 14/07/17	4	4	0	0
17/07/17 to 25/08/17	22	20	2	0
25/08/17 to 29/09/17	24	20	0	2
29/09/17 to 10/11/17	26	26	0	1
13/11/17 to 11/01/18	27	31	0	1
12/01/18 to 23/02/18	32	30	2	0
26/02/18 to 6/04/2018	11	14	0	0
<b>2017/2018 YTD</b>	<b>114</b>	<b>117</b>	<b>2</b>	<b>4</b>

#### 5. Building Consent Authority (BCA) Administration

**Table 3: Building Act Statistics**

	Building Permits		Certificate of Acceptance		Code Compliance Certificate	
	Received	Issued	Received	Issued	Received	Issued
<b>2016/2017 Totals</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>
01/07/17 to 14/07/17	0	0	1	0	0	0
17/07/17 to 25/08/17	0	0	0	1	1	0
25/08/17 to 29/09 /17	0	0	0	0	0	0
29/09/17 to 10/11/17	0	0	0	0	0	0
13/11/17 to 11/01/18	2	0	0	0	0	1
12/01/18 to 23/02/18	0	0	0	0	0	0
26/02/18 to 06/04/18	0	0	0	0	0	0
<b>2017/2018 YTD</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

#### 6. Public Enquiries

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

**Table 4. Public Enquiries Statistics**

<b>Period</b>	<b>Number of Enquiries</b>
<b>2016/2017 Year</b>	<b>2581</b>
01/07/17 to 14/07/17	97
17/07/17 to 25/08/17	273
25/08/17 to 29/09/17	277
29/09/17 to 10/11/17	217
13/11/17 to 11/01/17	354
12/01/18 to 23/02/18	356
26/02/18 to 06/04/18	255
<b>2017/18 Total YTD</b>	<b>1829</b>

**7. 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 26 February 2018 to 06 April 2018

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#### Total Number of Enquiries

255

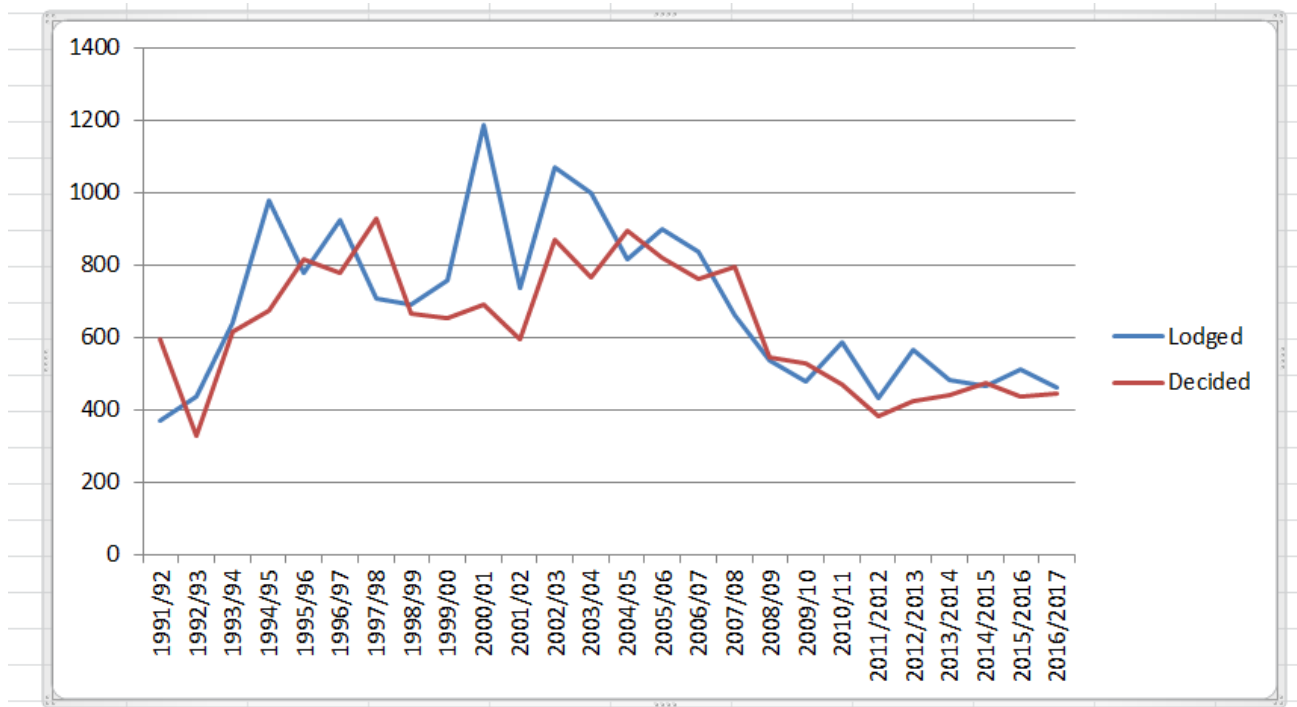
Enquiry Type	No.	% of Total
Current Consents	96	37.6 %
Mining Privileges	1	0.4 %
Other	14	5.5 %
Permitted Activities	61	23.9 %
Pre-application	39	15.3 %
Property Enquiries	37	14.5 %
TLA Enquiries	4	1.6 %
Transfers	3	1.2 %

Enquiry Location	No.	% of Total
Central Otago District	83	32.5 %
Clutha District	13	5.1 %
Dunedin City	46	18 %
Queenstown Lakes District	65	25.5 %
Throughout Otago	4	1.6 %
Unspecified	25	9.8 %
Waitaki District	19	7.5 %

Enquiry Method	No.	% of Total
Counter	10	3.9 %
Email	156	61.2 %
Internet	10	3.9 %
Telephone	79	31 %

## Appendix 2

Graph Showing Summary of Consents Applied for and Decided



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

Since Accela which is our current database was introduced in August 2010, 38 application sites involving 226 consents were publicly notified. 90 of these were for 3 of the Oceana Gold mine extensions.

### 11.3. Enforcement Activities from 24 February 2018 to 4 April 2018

**Prepared for:** Regulatory Committee  
**Activity:** Environmental - Investigations and Enforcement Action  
**Prepared by:** Peter Kelliher, Legal Counsel  
**Date:** 4 April 2018

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#### 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 24 February 2018 to 4 April 2018.

#### 2. Resource Management Act 1991

##### a) Complaint Response

Table 1. Infringement Notices

<b>Details</b>	<b>Period – 24 February 2018 to 4 April 2018</b>	<b>Total – from 1 July 2017</b>
Disturbing the bed of a river - pugging	0	1
Disturbing the bed of a river – mechanical excavation	0	4
Discharge of contaminants to land in a manner where it may enter water - sediment	1	2
Discharge of contaminants to land in a manner where it may enter water - oil	1	1
Discharge of contaminants to air in breach of a regional rule – outdoor burning	1	1
<b>TOTAL</b>	<b>3</b>	<b>9</b>

Table 2. Authorised Legal Proceedings

<b>Details</b>	<b>Period – 24 February 2018 to 4 April 2018</b>	<b>Total – from 1 July 2017</b>
Disturbing the bed of a river – mechanical excavation	0	1
Discharge of contaminants to land in a manner where it may enter water - sediment	0	2
Discharge of contaminants to land in a manner where it may enter water - wastewater	0	2
<b>TOTAL</b>	<b>0</b>	<b>5</b>

Table 3. Abatement Notices

<b>Details</b>	<b>Period – 24 February 2018 to 4 April 2018</b>	<b>Total – from 1 July 2017</b>
To cease discharging contaminants in breach of a regional rule - sediment	1	2

To cease discharging contaminants in breach of a regional rule - sawdust	0	1
To cease discharging contaminants in breach of a regional rule - wastewater	1	1
TOTAL	2	4

b) Inspections

Table 4. Infringement Notices

<b>Details</b>	<b>Period – 24 February 2018 to 4 April 2018</b>	<b>Total – from 1 July 2017</b>
Discharge of contaminants to land in breach of a regional rule - effluent	0	1
TOTAL	0	1

Table 5. Abatement Notices

<b>Details</b>	<b>Period – 24 February 2018 to 4 April 2018</b>	<b>Total – from 1 July 2017</b>
To cease taking water in breach of water meter regulations	2	2
TOTAL	2	2

**3. Recommendation**

a) *That this report be received and noted.*

**Endorsed by:** Scott MacLean  
**Director Environmental Monitoring & Operations**

**Attachments**

Nil



## **12. NOTICES OF MOTION**

## **12. CLOSURE**