

## Regulatory Committee - 2 May 2018 Attachments

8.1. Minutes.....	2
8.1.1. Minutes of the Regulatory Committee - 21 March 2018.....	2

Minutes of a meeting of the  
Regulatory Committee held in the  
Edinburgh Room, Municipal Chambers,  
Dunedin City Council on Wednesday 21 March 2018,  
commencing at 2:38pm

**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

**Welcome**

Cr Scott welcomed councillors and staff to the meeting.

**1. APOLOGIES**

No apologies were advised.

**2. LEAVE OF ABSENCE**

No leave of absence requested.

### **3. ATTENDANCE**

Sarah Gardner (CEO)  
Nick Donnelly (Director Corporate Services)  
Tanya Winter (Director Policy, Planning & Resource Management)  
Sian Sutton (Director Stakeholder Engagement)  
Gavin Palmer (Director Engineering, Hazards & Science)  
Scott MacLean (Director Environmental Monitoring & Operations)  
Sally Giddens (Director People & Capabilities)  
Ian McCabe (Executive Officer)  
Lauren McDonald (Committee Secretary)  
Martin King (Manager Environmental Services)  
Dean Olsen (Manager Resource Science)  
Eleanor Ross (Strategic Communications Advisor)  
Peter Kelliher (Legal Counsel) - Items 11.4 and 11.5

### **4. CONFIRMATION OF AGENDA**

The agenda 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**

#### **8.1. Minutes**

Cr Lawton advised that due to the teleconference link being intermittent during the 31 January committee meetings that she would abstain from the vote for adoption of the minutes.

#### **Resolution**

*That the minutes of the meeting held on 31 January 2018 be received and confirmed as a true and accurate record.*

Moved: Cr Scott  
Seconded: Cr Hope  
Abstained: Cr Lawton  
CARRIED

## 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

## 10. MATTERS FOR COUNCIL DECISION

NIL

## 11. MATTERS FOR NOTING

### 11.1. Director's Report on Progress

The report outlined the Regulatory activity for the reporting period 11 January to 26 February 2018, including: biosecurity - re incursion response etc; compliance activity and the environmental risk assessment programme.

*Cr Laws left the room at 2:45pm and returned at 2:48pm.*

Discussion was held on the RHDV-1 K5 rabbit virus operational roll out and the expected rate of spread of the virus from the release sites. Mr MacLean advised that monitoring effectiveness was being undertaken through Landcare Research study sites and autopsies of carcasses.

*Cr Laws left at 2:49 pm returned at 2:52 pm.*

*Cr Noone left the meeting at 2:51pm.*

### Resolution

a) *That this report is received.*

Moved: Cr Woodhead

Seconded: Cr Hope

CARRIED

### 11.2. Consents and Building Control

The report detailed the consents and building control progress for the period 11 January to 23 February 2018.

A suggestion was made for the removal of the word "council" from the *Enquiry Location* section of the table contained in Appendix 1 as the definition was by area not specifically a council.

### Resolution

*That this report is noted.*

Moved: Cr Woodhead

Seconded: Cr Noone

CARRIED

### **11.3. Report on Deemed Water Permit Replacement**

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

Ms Winter confirmed staff were still actively working with catchment groups. Mrs Gardner advised she was keen for further discussion with governance, and review of approach to progress deemed permit replacements.

#### **Resolution**

*That the report is noted.*

Moved: Cr Hope  
Seconded: Cr Deaker  
CARRIED

### **11.4. Enforcement Process**

This report set out the process to be followed in assessing a file for prosecution, and how the prosecution decision is made under Council's role as regulator under various statutes with responsibilities for enforcement, including prosecution.

Discussion was held on diversion and the assessment process for deciding who receives diversion.

It was agreed for the tabled report to be added to the Council website to assist in explaining the process of enforcement.

Action: Mr Kelliher to review and amend the report detail for addition to the public website.

#### **Resolution**

a) *That the report be noted*

Moved: Cr Woodhead  
Seconded: Cr Robertson  
CARRIED

### **11.5. Enforcement Reporting**

The report proposed a process to ensure Councillors remain informed about the exercise of the Council's enforcement powers across various statutes including (but not limited to) the Resource Management Act 1991, the Local Government Act 2002, the Biosecurity Act 1993 and the Building Act 2004. The process proposed would guide, assist and standardise staff reporting of enforcement matters to Councillors.

Discussion was held on information for reporting to governance and included, reporting of enforcement instances (as examples to utilise for future policy setting), the need for a report schedule to assist in understanding what enforcement works and which does not, fines information, and for an annual report to be provided on strategic learnings.

It was agreed:

- for a revision of the enforcement process report be added to the Council website
- an annual report on compliance activity and prosecutions be provided
- take a more proactive stance on media releases (including use of social media)

Mrs Sutton advised the appointment of the new senior media advisor would assist with media protocols and guidelines (including weekly media reports identifying upcoming issues in the community) and provision of information to governance.

*Cr Laws left the room at 3:35 pm and returned at 3:43 pm.*

A request was made for diversions to be included in the prosecution reporting to governance.

### **Resolution**

- a) That this report be noted.*
- b) Reports be placed on website with Legal Counsel to consider the wording*
- c) Provide a learnings report on prosecutions on an annual basis to Council.*
- d) Be proactive on release of prosecution outcomes and diversions outcomes in the enforcement activities report.*
- e) Proactive releasing of prosecution outcomes to the public*
- f) This enforcement process be added to the ORC website.*

Moved: Cr Deaker

Seconded: Cr Hope

CARRIED

### **11.6. Enforcement Activities from 11 January 2018 to 23 February 2018**

The 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 11 January 2018 to 23 February 2018.

### **Resolution**

- a) That this report be noted.*

Moved: Cr Woodhead

Seconded: Cr Scott

CARRIED

### **11.7. The working Relationship between Regional Councils and Department of Conservation**

The report provided feedback on closer collaboration and partnerships across the overlapping roles of biodiversity, biosecurity and conservation management with the intent of better outcomes for the environment and the community.

Mr MacLean advised that a working party of senior regional council managers and Department of Conservation managers and a Memorandum of Understanding was in place.

**Resolution**

*That this report is received.*

Moved: Cr Kempton

Seconded: Cr Hope

CARRIED

**12. NOTICES OF MOTION**

No Notices of Motion were advised.

**12. CLOSURE**

The meeting was declared closed at 03:45 pm.

Chairperson