



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.

For our future

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
11.3 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 autopsy 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

