

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Regulatory Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 22 July 2015 commencing at 11.48 am

Present:

- Cr Sam Neill (Chairperson)
- Cr Gerrard Eckhoff (Deputy Chairperson)
- Cr Graeme Bell
- Cr Doug Brown
- Cr Louise Croot MNZM
- Cr Michael Deaker
- Cr Gary Kelliher
- Cr Trevor Kempton
- Cr Gretchen Robertson
- Cr Bryan Scott
- Cr David Shepherd
- Cr Stephen Woodhead

Leave of Absence: Cr Gerrard Eckhoff

In attendance:

- Peter Bodeker
- Wayne Scott
- Nick Donnelly
- Jeff Donaldson
- Jane Leahy
- Fraser McRae
- Gavin Palmer
- Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda

MINUTES

The minutes of the meeting held on 3 June 2015, having been circulated, were adopted on the motion of Crs Bell and Kelliher

Matters arising from minutes

There were no matters arising from the minutes

ITEMS FOR NOTING

Item 1

2015/1021 **Revocation of the Building (Dam Safety) Regulations 2008.**
DEHS, 10/7/15

The report discussed the implications of the Government's decision to revoke the Building (Dam Safety) Regulations 2008.

Dr Palmer confirmed the Building (Dam Safety) Regulation 2008 had been revoked with effect from 30 June 2015 without prior notice or consultation from Government. Dr Palmer confirmed building control parts of the Building Act were still operative.

Comment was made on the lost opportunity to gather information nationally around dam safety management with this revocation, and there was concern about costs incurred by dam owners.

Mr McRae confirmed that Council now had to use the RMA to manage dam safety to the best of its ability.

Dr Palmer confirmed that large dams were being well managed nationally and that the area of concern was for smaller dams. Some resource consent safety conditions were unenforceable or out of date.

Concern was expressed about the possible impact on Council if a dam was to fail, in regard to damage to properties or injury to persons.

Dr Palmer advised that ORC would need to continue to be vigilant and take action against any concerns of imminent danger. He considered there was a need to develop policy around the review of resource consent conditions relating to dam safety.

Mr Bodeker confirmed a paper would be prepared for Council on how the RMA would be used around the matter of dam safety. The paper would also include recommendations in regard to policy and processes.

Cr Woodhead moved
Cr Deaker seconded

That:

- 1. This report be noted*
- 2. The situation with the Building Act dam safety scheme be noted*

Motion carried

Item 2
2015/1010

Biosecurity and RMA Monitoring Report. DEMO, 7/7/15

The report detailed water, air, pest, and contaminated site environmental monitoring and incidents for the period 1 May to 12 June 2015.

Mr Donaldson updated Council on the current work being undertaken by a management group comprising ORC, CODC and LINZ, on the development of a lagarosiphon management strategy for Lake Dunstan. Lagarosiphon was still an ongoing issue in the Kawarau River. Further inspection of the Frankton Arm was scheduled for later in the year. Mr Donaldson confirmed he had met with a representative of the Guardians of Lake Dunstan, and they would be invited to join the management group.

Mr Donaldson confirmed the current Pest Management Strategy was due for review in 2019, and the first draft Pest Plan for Otago would be workshopped with Council in April 2016.

Mr Bodeker confirmed a wilding pines strategy was being prepared for a Council workshop with the next six months. This workshop would assist to develop the approach for public consultation.

Mr Donaldson confirmed a biodiversity stock take had been completed by the Policy team. Council's IT section was developing improved processes to capture this audit information into one database.

Cr Robertson moved
Cr Croot seconded

That this report be noted

Motion carried

Item 3
2015/1022

Consent processing, consent administration and Building Control Authority update. DPPRM, 15/7/15

The report detailed consent processing, consent administration and building control authority activity for the period 15 May to 30 June 2015.

Mr McRae discussed how moving RMA consent processing targets from 20 working days to 20 calendar days was being initiated.

Cr Bell moved
Cr Kempton seconded

That this report be noted

Motion carried

Item 4
2015/1013

RMA, Biosecurity Act and Building Act Enforcement Activities.
DPPRM, 1/7/15

The report detailed Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period 17 May to 30 June 2015.

Cr Scott requested a paper be brought to Council for further discussion on how prosecutions were handled and the legal processes involved for the dairy industry.

Mr Donaldson confirmed that the use of either diversion or prosecution was not a change in ORC policy. Mr Bodeker confirmed it was ORC's intent to engage with affected parties and Mr McRae explained there was no variation away from enforcement.

Comment was made that the Council policy for water quality needed to ensure that people were brought to account in terms of the current legislation, whether through diversion or conviction. This should be left in the hands of Council staff to decide the best outcome in regard to enforcing Council's water quality rules.

Councillors were reminded of the need to stick to principles, keep focus on effects based, and take care moving forward when dealing with specific cases.

Cr Scott moved

That a paper be brought forward to discuss prosecution policy and opportunities for diversion.

The motion lapsed due to lack of a seconder

Cr Croot moved
Cr Deaker seconded

That this report be noted

Motion carried

Item 5
2015/0980

Appointment of Plan Change Hearing Commissioners.
DPPRM, 15/7/15

The report listed hearing commissioners appointed for the period to 15 July 2015.

Cr Croot moved
Cr Woodhead seconded

That this report be noted

Motion carried

The meeting closed at 12.41 pm.



Chairperson