

OTAGO REGIONAL COUNCIL

Minutes of the Regulatory Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 20 April 2016 commencing at 9:00am

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**

In attendance:

- Peter Bodeker**
- Nick Donnelly**
- Fraser McRae**
- Gavin Palmer**
- Scott MacLean**
- Caroline Rowe**
- Marian Weaver**
- Lauren McDonald**

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 9 March 2016, having been circulated, were adopted on the motion of Crs Eckhoff and Neill.

Matters arising from minutes

There were no matters arising from the minutes.

ITEMS FOR NOTING

Item 1

2016/0728 **Biosecurity and RMA Monitoring Report.** DEMO, 8/4/16

Reporting on water, air, pest, and contaminated site environmental monitoring and incidents for the period 20 February to 1 April 2016.

Clarification was sought on the term "continuous maximum" in regard to the rivers identified with minimum low flow conditions since 1 October. Mr MacLean clarified that the reference was to the number of days with continuous low flow. Noted it should read "continuous low flow", rather than "continuous maximum".

Mr MacLean advised there had been an outstanding response from the community, with landowners taking an active role in managing their takes to comply with consent conditions. Council had also maintained a compliance overview throughout the past low flow period.

A request was made to acknowledge the farming community and irrigators' efforts in rostering water takes throughout the low flow period. Mr Bodeker confirmed that acknowledgement was 'in hand' via direct communication, publications and general media releases.

An update on the velvetleaf incursion was requested and Mr MacLean advised that the Ministry for Primary Industries (MPI) have described Velvetleaf as potentially the worst agricultural weed in the world. It can have significant impact on cropping rates by up to 30% together with serious economic impact annually. As of the date of 20 April, Otago had 38 confirmed infected properties. Inspection work was hoped to be completed with community assistance by the end of April, all going well. MPI had advised that they have capped their expenditure on the Velvetleaf response nationally, and are keen to move to a long term management regime. The preferred option for MPI is the progressive containment of the weed. A national governance group is being set up, of which MPI have advised they will allow two Regional Council observers on the governance group. Mr MacLean confirmed that the Bio Manager Sector Group have requested up to 6 members on that Governance Group, as active observers and that MPI are considering this request.

Mr MacLean advised that a large number of staff hours have been involved with Velvetleaf inspections, including staff who have worked over the Easter holiday break and weekends. Involvement in this Velvetleaf inspection work has taken a toll on some project work, such as auditing and dairy inspections work, as it was mainly compliance officers undertaking the velvetleaf inspection work. Mr MacLean confirmed it has been a very important leadership role for this Council to take and the feedback from the community has been very positive.

The response to the Velvetleaf incursion has taken a lot of staff time and some regions have received substantially more assistance from MPI than ORC. The community assistance received has helped greatly. The ORC compliance work programme has been impacted to allow a focus on eradication. Mr MacLean advised a larger effort put in now by landholders and Council to identify Velvetleaf seeding plants was important as some crops were not far off being grazed and ORC want to avoid seeding plants being moved by stock or birds, which would result in a very large future problem to deal with (as the seed remains viable for up to 60 years). If seed has been dropped, the impact over the next 2-3 seasons with Velvetleaf seed germinating would cause real impact on farm cropping programmes.

Mr MacLean confirmed the inspection work is painstaking because farms had not always recorded where seed was planted, so all cropped areas require inspection, with the added concern of cross contamination in other properties. Good communication was required to ensure farmers knew the correct actions to take to limit cross contamination, with emphasis on education for the farmers of best practise to ensure seed in the ground can be managed. Mr MacLean confirmed that funding and resourcing needed to be addressed for this, in the coming year.

It was agreed by the meeting that staff should be very strongly commended for their work. Mr Bodeker confirmed staff would be thanked and acknowledged for their efforts.

Mr MacLean confirmed that MPI are considering containment rather than eradication but it did not take away from the ultimate goal for eradication in the Otago region. As 38 infected properties had been identified to date, Mr MacLean believed that Council should aim for the eradication of Velvetleaf in the Otago region.

A question was raised on what prevention work has taken place. Mr MacLean advised that MPI were looking very closely at the import and seed preparation process. Mr MacLean did note that the seed involved in the current incursion had meet all the border security requirements, and this will be rechecked to ensure no further incursion.

In regard to the Pest Management Strategy a suggestion made to include musterers in any further wallaby training as they worked independently of farmers and were potentially another surveillance resource.

Media arrived 9:24am.

Recommendation:

That the report be noted.

Moved Cr Deaker
Seconded Cr Croot

Motion carried

Item 2
2016/0742

Consent processing, consent administration and Building Control Authority update.
DPPRM, 4/4/16

Details consent processing, consent administration and building control authority activity for the period 20 February to 1 April 2016.

Discussion was held on consent RM15.202 Borst Holdings Ltd. Independent commissioners had granted a permit for a 15 year term commencing 2020. The appeal period closed on 19 April, and it was understood that Te Runanga o Ngai Tahu and Te Runanga o Moeraki had submitted an appeal.

Concern was expressed that precedence may have been set with this consent being processed as a limited notification application. Mr McRae confirmed due process for notification, as detailed in the Resource Management Act (RMA) had been followed.

A report was requested to be provided to Council once the formal appeal process was completed, on what precedence may have been set and potential impact on the Water Plan for Council.

Recommendation:
That the report be noted.

Moved Cr Croot
Seconded Cr Woodhead

Motion carried

Item 3
2016/0736

RMA, Biosecurity Act and Building Act Enforcement Activities.
DPPRM, 4/4/16

Detailing Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period 20 February to 1 April 2016.

Recommendation
That this report be noted.

Moved Cr Deaker
Seconded Cr Kelliher

Motion carried

Item 4
2016/0745

Progress Report on Implementation of RPW Water Quantity (Plan Change 1C). DPPRM, 4/4/16

This report notes progress on project implementation of the RP Water Quantity policies

A question was raised on the inventory assessments held for aquatic survey work and if there were any known gaps for these aquatic assessments. Mr McRae confirmed the information was incomplete for Otago. Collecting data has occurred over time but that it was not a Council responsibility to provide information for an applicant

Objectives

Clarification was sought on the wording of Performance Target 2 (50% of the volume of water taken in Otago as managed by groups and 50% managed individually) as it intimates Council only want a 50% target achieved.

Mr McRae confirmed it is not compulsory to be in water management groups but there were benefits of working in a group. Council had made the decision to make a target of at least 50% of takes and 50% of the volume being managed in groups, to emphasize the value of working in groups i.e. the benefit of grouping consents. Mr McRae confirmed this target is to allow management to resource and report on progress.

Mr McRae confirmed Council is duty bound to process the consents received, e.g. landowners can keep own consents and wire together with others, or have total take as a joint consent. Staff will discuss with applicants the conditions, or the conditions set can be appealed

Discussion was held on the resourcing required for the number of applications to be processed for the replacement of existing deemed permits with resource permits by 2021. Mr McRae advised that pre-applications (whether for groups or individuals) are treated as an application, with the intent of having an application include all relevant details without having to go back and get information. If deficiencies are seen, they will be highlighted, i.e. correct policies reference or the required data provided so when an application is received formally, staff can complete processing without the need for additional information within the 20 working days.

Concern was raised whether Council may be sending slightly the wrong message with the Performance Target 2 of 50/50 water permits managed through groups or individuals. Council wished to communicate their support to a 'grouped' approach where this is most effective and efficient for water management, also providing preference to groupings where it makes sense to do so.

Mr Bodeker confirmed the target had been tabled through a workshop and then to Council. Resources have been funded through general rates. The reason the target was set was to allow measurement as management to allow report back to Governance.

A question was raised if the performance targets would be met. Mr Bodeker advised if applications are received 6 months before expiry then the water can be granted further out from the cut off time. He was confident we are beginning the process of going out with groups. Farmers understand what the desired position from this Council is for reasons of cost, community, and better water sharing. It is up to the people of a community to be able to work together. Mr Bodeker advised a more firm indication of the likelihood of achieving the target would be available soon. Once this was known this would allow for further discussion by Council.

Performance Target 1 (water taken under deemed permits are replaced by resource permits) was confirmed as a legal requirement, it is law and we have to get there. Current permit holders will need to make application on time i.e. 6 months before cancellation date or they will not be able to operate after this cancellation date. The onus is on the consent holders to act, if the application is received before the 6 months it remains live until replaced, however long this takes. If an application is not received the permit cancels at the due date in 2021

Recommendation:

That the report be noted.

Moved Cr Woodhead
Seconded Cr Croot

Motion carried

Meeting closed at 10:15am

Chairperson

