

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Regulatory Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 23 November 2016 , commencing at 9.10am

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 Maggie Lawton
- Cr Andrew Noone
- Cr Gretchen Robertson
- Cr Stephen Woodhead

Cr Scott welcomed attendees to the first committee meeting of the new triennium. A correction to the membership list was noted for the Committee Chair and Deputy Chair than that listed in the agenda.

Apologies: No apologies received.

Leave of Absence: No Leave of Absence noted.

In attendance:

- Peter Bodeker
- Nick Donnelly
- Gavin Palmer
- Caroline Rowe
- Fraser McRae
- Scott MacLean
- Adam Uytendaal
- Dean Olsen
- Lauren McDonald (minute taker)
- Marian Weaver

CONFIRMATION OF AGENDA

There were no changes to the agenda.

CONFLICT OF INTEREST

No conflicts of interest were advised.

PUBLIC FORUM

No public forum held.

PART A – RECOMMENDATIONS

Item 1

2016/1137 Terms of Reference for the Regulatory Committee and sub committees. DCS, 8/11/16

The report provided the Terms of Reference for the Regulatory Committee, Commissioner Appointment Subcommittee and the Kakanui River Water Allocation Subcommittee for consideration and recommendation to Council.

Discussion was held on the following points:

- Commissioner Appointment Subcommittee – commissioner accredited councillors versus independent commissioners for hearing consent applications.

Cr Robertson confirmed that applicants were able to: request independent commissioners for a consent hearing if they wished; that councillors were not involved in hearing any applications by this Council, and that independent commissioners were appointed to decide these consent applications.

- Kakanui River Water Allocation Subcommittee – it was advised that the membership for this subcommittee were yet to be appointed, and the Terms of Reference were for discussion in principle.

Cr Brown advised there was a need to differentiate between the allocation role from the enforcement role and if this subcommittee was to be used as a template for other allocation committees in other areas, as Plan Change 1C progresses.

Mr Bodeker confirmed that he would be meeting with the current members before the end of November and would receive feedback on how this membership is working. He confirmed that Kakanui River Water Allocation subcommittee was used as an example to farmers in ORC publications, along with the less formal water management groups.

Moved Cr Woodhead
Seconded Cr Brown

That the Terms of Reference for the Regulatory Committee, Commissioner Appointment Subcommittee and the Kakanui River Water Allocation Subcommittee be presented to the Council on 7 December 2016, for adoption.

Motion carried.

PART B - ITEMS FOR NOTING

Item 2

2016/1106 **Biosecurity and RMA Monitoring Report. DEMO, 8/11/16**

The report provided activity detail on water, air, pest, and contaminated site environmental monitoring and incidents for the period 20 August to 4 November 2016.

Rabbits

Discussion was held on the impact of the current season on rabbit breeding and the level of compliance of properties inspected.

Mr MacLean confirmed that the pest management strategy allows for the number of rabbits to be at the Modified McLean Scale Level (MAL) 3 or under. He commented as per the report that 80% of the properties inspected were compliant to MAL 3 at the time of inspection, but that this would not mean that they were rabbit free and that MAL 3 was still a significant number of rabbits.

He confirmed that the aim was still for an autumn 2017 release of the RHDV K5 virus and that the property inspections would assist in setting the priority sites for release. Mr MacLean advised that approval under HASNO had yet to be achieved and that the Environmental Protection Agency (EPA) may yet require a full assessment of the K5 virus to be completed, including laboratory trials. He confirmed lobbying was continuing for a rapid assessment of the K5 virus as it is a variant of an existing organism, not a new organism in New Zealand. He commented that central government were cautious and wanting to ensure due diligence is completed.

Mr MacLean was requested to provide details of the number of property plan requests currently in place, or required by ORC and the number of Notices of Direction issued to the next committee meeting.

Plant pests

A question was raised if one staff resource was enough to cover freshwater biosecurity monitoring and advocacy for the lakes and rivers over the summer period.

Mr MacLean advised that MPI were the lead agency for biosecurity and the funding for the staff resource was provided by them. He advised that the resource requirement would be costed out and would be brought back to Council if the budget constraints were an issue.

Concern was expressed for the level of staff resourcing available to cover a large geographical area over the peak recreational summer months, especially the key recreational lakes in the region. Mr MacLean confirmed he had taken note of the concerns raised.

Water metering - Mr MacLean was requested to provide a geographic breakdown of the locations of water meters installed in the region to allow for a better understanding.

Wallabies – Mr MacLean confirmed the boundaries responsibility with Environment Canterbury have been agreed for wallabies in the area between the Waitaki River and the Otago boundary and included specific expectations of their control at this boundary. He confirmed dialogue is being held with his counterparts at ECan on their resourcing of this zone which is outside of the containment area.

Mr MacLean provided an update on the autopsy completed on the female wallaby shot by the Maniatoto Pest Company and it was believed to have been bred in captivity and released. He confirmed concentrated surveillance remains in place as there was evidence of a joey being present with the female wallaby.

Lagarosiphon – a concern was expressed of the spread of lagarosiphon throughout the region.

Mr MacLean agreed it was disappointing to discover lagarosiphon in areas of Kawarau River where it was not previously found and that this was almost certainly from jet boat intakes. He confirmed ORC are working with QLDC and the harbourmaster for the installation of buoyed off areas (or gates) where jet boats will be forced to empty out their intakes, as measure to try and prevent the spread of the pest plant. He advised that lagarosiphon plant took root very quickly and he confirmed that there have been positive gains in the management of pest plants in Lake Wanaka and focussed surveillance is ongoing to try to ensure lagarosiphon does not enter Lake Wakatipu. He confirmed that there is a management agreement in place with agencies and community groups for Lake Dunstan, with LINZ as the lead agency and ORC act in support of this agreement.

Mr MacLean was requested to provide a précis report on lagarosiphon since its identification in the region and the programmes and actions taken by this Council since its arrival.

Environmental Incidents – non urban burnings

A question was raised to what extent did the Council monitor the industry burning code of practise developed in 2002 for non-urban land burnings. Mr MacLean advised compliance is monitored to the Regional Plan: Air, which set out the rules to be complied with.

Mr McRae advised the industry burning code was considered as a good practise guide only.

A suggestion was made to get in touch with the signatories to this non-urban land burning code agreement and review its use and effectiveness.

Cr Laws left room at 10:19am.

Cr Robertson commented that the RPS has a lot of policies in relation to upland and general biodiversity and the water yielding capacity of tussock etc. and that a review was required on how to look after these areas for the number of values that they hold.

Cr Laws returned to the room at 10:21am

Mr Bodeker sought clarification, as the burning code was not a statutory document and if Council was requesting that a review be undertaken against that code of practice as part of the normal reporting activity.

It was advised it should form part of the air plan review for the burning code of practice and its effectiveness and that it be included as a list of actions in the RPS to be reported on.

Moved Cr Woodhead
Seconded Cr Robertson

That the report be received.

Motion carried

Item 2

2016/1133 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 7/11/16

The report detailed the consent processing, consent administration and building control authority activity for the period 20 August to 4 November 2016.

Discussion was held on the incident complaints response process.

Moved Cr Brown
Seconded Cr Bell

That the report be noted.

Motion carried

Item 3
2016/1127

Progress Report 1C Deemed Permit Replacement Project.
DPPRM, 7/11/16

This report noted progress on Project 1C implementation of the RPW policies for the period 20 August to 4 November 2016

Mrs Weaver confirmed that there has been good attendance at these group formation meetings and a lot of interest from affected parties such as DOC, Fish and Game and Iwi. She confirmed that invitation for attendees at these meetings was sent to permit holders and the affected parties involved.

Mrs Rowe advised that a list of meetings was annexed to a Communications Committee report and that it was not an expectation for councillors to attend these group formation meetings but that appropriate public meeting details could be provided to councillors for their attendance once discussed with the group leaders.

Moved Cr Woodhead
Seconded Cr Deaker

That the report be noted.

Motion carried

Item 4
2016/1128

RMA, Biosecurity Act and Building Act Enforcement Activities.
DPPRM, 8/11/16

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 20 August to 4 November 2016.

Mr McRae confirmed that the Port Otago Ltd and the Oceana Gold hearings have both concluded.

Moved Cr Woodhead
Seconded Cr Hope

That the report be noted

Motion carried

The meeting was declared closed at 10:45am

Chairperson

