

OTAGO REGIONAL COUNCIL

Agenda for a meeting of the Regulatory Committee to be held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 13 September 2017, following the Policy Committee

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**

Apologies:

Leave of Absence:

In attendance:

Please note that there is an embargo on agenda items until 08:30am on Monday 11 September 2017

CONFIRMATION OF AGENDA

CONFLICT OF INTEREST

PUBLIC FORUM

MINUTES

The minutes of the meeting held on 2 August 2017, having been circulated, for adoption.

ACTIONS: (Status report on the resolutions of the Regulatory Committee)

No current actions to be reported

PART A – REPORTS FOR NOTING

Item 1

2017/0990 **Biosecurity and RMA Monitoring Report. DEMO, 30/08/17**
This report describes the regulatory activity for the reporting period of 15 July to 25 August 2017.

Item 2

2017/1014 **RMA, Biosecurity Act and Building Act Enforcement Activities for the period from 1 July to 25 August 2017. DPPRM, 25/08/17**
This report details the Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council during the period 27 May to 30 June 2017.

Item 3

2017/1020 **Consent processing, consent administration and Building Control Authority update. DPPRM, 25/08/17**
Detailing consent processing, consent administration and building control authority activity for the period 17 July to 25 August 2017.

Item 4

2017/1021 **Progress Report 1C - Deemed Permit Replacements and Water Groups, DPPRM, 25/08/17**
This report notes progress on Project 1C implementation of the Regional Plan: Water policies for the period 17 July to 25 August 2017.

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Regulatory Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 2 August 2017, commencing at 11:28am

- 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
- Apologies:**
- Cr Noone, Cr Laws
 - Apologies were accepted.
- Leave of Absence:**
- Cr Neill
- In attendance:**
- Peter Bodeker (CE)
 - Nick Donnelly (DCS)
 - Fraser McRae (DPPRM)
 - Scott MacLean (DEMO)
 - Michele Poole (Acting DSHE)
 - Sally Giddens (DP&C)
 - Lauren McDonald (Committee Secretary)

CONFIRMATION OF AGENDA

That agenda as tabled was confirmed.

CONFLICT OF INTEREST

No conflicts of interest were advised.

PUBLIC FORUM

No public forum was held.

MINUTES

The minutes of the meeting held on 14 June 2017, having been circulated were adopted on the motion of Cr Scott and Cr Hope. Carried

ACTIONS: (Status report on the resolutions of the Regulatory Committee)

No current actions to be reported

PART A – REPORTS FOR NOTING

Item 1

2017/0907 **Biosecurity and RMA Monitoring Report. DEMO, 18/07/17**

The report described the regulatory activity for the reporting period of 27 May to 14 July 2017.

Discussion was held on rabbit compliance procedures within the current Pest Management Plan and the RHDV1 K5 release.

Mr Bodeker reaffirmed that Environment Canterbury are the applicant for the importation of the RHDV1 K5 virus into New Zealand and that they, with the support from other councils, were actively working with central government to achieve the Autumn 2018 release.

Moved Cr Woodhead
Seconded Cr Lawton

That the report is received.

Motion carried

Item 2

2017/0947 **Rabbit Serum Results 2017, DEMO, 25/06/17**

The report provided a summary of the wild rabbit serum samples collected across sites in Otago during the period December 2016 and March 2017.

Moved Cr Kempton
Seconded Cr Hope

That the report be received.

Motion carried

Item 3

2017/0942 **RMA, Biosecurity Act and Building Act Enforcement Activities for the period from 27 May to 30 June 2017. DPPRM, 11/07/17**

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 27 May to 30 June 2017.

Moved Cr Woodhead
Seconded Cr Deaker

That the report be noted.

Motion carried

- Item 4
2017/0950 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 18/07/17
The report detailed the consent processing, consent administration and building control authority activity for the period 27 May to 30 June and 1-14 July 2017.

Moved Cr Robertson
Seconded Cr Deaker

That the report is noted.

Motion carried

- Item 5
2017/0955 **Progress Report 1C - Deemed Permit Replacements and Water Groups,** DPPRM, 19/07/17
This report notes progress on Project 1C implementation of the Regional Plan: Water policies for the period 26 May to 14 July 2017.

Moved Cr Brown
Seconded Cr Robertson

That the report is noted.

Motion carried

The meeting was declared closed at 12:01pm.

Chairperson

REPORT

Document Id: A1026027

Report Number: 2017/0990
Prepared For: Regulatory Committee
Prepared By: Director Environmental Monitoring and Operations
Date: 30 August 2017

Subject: **Biosecurity & RMA Monitoring Report 15 July – 25 August 2017**

1. Précis

This report describes the Regulatory activity for the reporting period 15 July-25 August 2017.

2. Biosecurity

2.1 *Mycoplasma bovis*

ORC Biosecurity staff have been assisting Ministry for Primary Industries in their *Mycoplasma bovis* incursion response. Staff trained in 'Infected Place Management' have assisted the response in both South Canterbury and North Otago. Several ORC staff are members of the National Response Team for Biosecurity incursion response.

2.3 Marine biosecurity

The results of the NIWA winter survey of Otago Harbour have been provided for monitoring conducted 19-23 June. No new to New Zealand marine species were detected, however pests that have been found previously are still present including the clubbed tunicate *Steyla clava* and the Japanese seaweed *Undaria pinnatifida*. *Steyla clava* was recorded at 14 of the 15 diver search locations in the Town Basin area, as well as five shore search locations ranging from the Dunedin Windsurfing association on Kitchener street, round to the Vauxhall Yacht Club and along the south side of the harbour to Collinswood. *Undaria pinnatifida* was found throughout the harbour on various substrates.

Recent correspondence with mooring consent holders included a pest identification guide, information on the pests already in the Otago Harbour and information on cleaning vessels and equipment.

2.4 Rabbits

Rabbit inspections have continued over this period with a continued focus on Central Otago and the Otago Peninsula. Follow up and auditing of Rabbit Control Plans is also continuing.

There are a number of rabbit poison operations being undertaken this winter. ORC staff have been working with landowners and contractors providing guidance regarding poisoning best practice. Early indications are that operations have been successful.

K5 update summary (excerpt from Rabbit Coordination Group meeting notes):

- ACVM (Agricultural Compounds and Veterinary Medicines) application - a deviations application has been prepared and submitted to ACVM.
- ACVM has requested further information in respect of the deviations sought and this has been submitted.
- ACVM have prepared their recommendations on the deviations, this is awaiting internal sign off.
- ACVM have asked for a separate deviations application in reference to the vaccine and this is in preparation
- Unwanted organism application - this has been completed in draft and will be submitted alongside the final ACVM application.
- Planning is continuing for release process and roll out.
- Stakeholder engagement is ongoing in line with confirmed strategy.

2.4 Wallaby activity

Staff held a field day in Duntroon this reporting period raising awareness of the wallaby issue. Staff from both the ORC and Environment Canterbury presented at the field day.

Staff worked with representatives from Maniototo Pest Management this period undertaking aerial inspections following a heavy snow event in the area. Wallaby sign was observed and confirmed on a station in the Kyeburn area. Further surveillance will take place in this area.

2.5 Harbour Master activity

Work is continuing on the Port and Harbour Safety Code, Harbour Safety Policy and an MOU between ORC and Port Otago Limited. These will all form part of a wider set of safety instruments. Work is also continuing on the drafting of Bylaws for Otago waters.

The Harbour Masters have been inspecting boat ramps throughout Coastal Otago assessing the proximity of overhead powerlines and the danger they may pose to boats. Several lines were assessed as posing a risk. The utility company responsible have been alerted and have committed to remedying the situation where it has been deemed necessary.

A “close-call” incident was reported to our Harbour Masters by Harbour Control and subsequently investigated. The incident involved an 11 metre yacht coming to a stop in the shipping channel while a 179.9 metre ship was sailing out towards the heads. The yacht had had its engine removed prior to the journey so was reliant entirely on wind power. The yacht had sailed into the channel when the wind dropped, rendering it stationary, with no ability to maneuver out of the way of the outbound ship. To compound matters, the yacht’s radio was inoperable due to having no power supply (with the engine removed).

The pilot on-board the ship sounded the blast horn and immediately slowed the engines and prepared for evasive action. The ship slowed to 6 ½ knots, the slowest speed it could travel and still maintain steerage.

The ship passed by the yacht by approximately 20 metres. Thankfully no damage was suffered by either vessel. Harbour Control alerted another vessel nearby who checked on the stricken yacht after the ship had passed by. By then, the wind had come up enough for the yacht to be sailed out of harm's way. A warning letter was issued to the skipper of the yacht.

3. Compliance activity

Staff are investigating an alleged sewage discharge into Stoney Creek in Wanaka. Water samples have been taken and submitted to a laboratory for analysis.

3.1 Arrowtown domestic chimney discharge complaints

A total of 42 complaints have been lodged with the Pollution Hotline since 2014, regarding concerns over the discharge quality of domestic fires in the township. In 8 of these instances, no breach of the Regional Plan: Air was deemed to have occurred. 4 breaches were minor and received verbal advice on good burning practice (had compliant burners). 26 received the first letter as per protocol, 3 received a second letter as per protocol and 1 is still under investigation.

4. Recommendation

That this report is received.

Scott MacLean

Director Environmental Monitoring and Operations

REPORT

Document Id: A1029002

Report Number: 2017/1014

Prepared For: Regulatory Committee

Prepared By: Peter Kelliher, Legal Counsel

Date: 25 August 201

Subject: **Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 Enforcement Activities from 1 July 2017 to 25 August 2017**

1. Précis

This report details Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council during the period 1 July 2017 to 25 August 2017.

2. Resource Management Act 1991

a) Complaint Response

Table 1. Infringement Notices

Details	Period – 1 July 2017 to 25 August 2017	Total – from 1 July 2017
Disturbing the bed of a river - pugging	1	1
TOTAL	1	1

Table 2. Authorised Legal Proceedings

Details	Period – 1 July 2017 to 25 August 2017	Total – from 1 July 2017
Disturbing the bed of a river – mechanical excavation	1	1
TOTAL	1	1

3. Recommendation

That this report be noted.

Tanya Winter
Director Policy Planning and Resource Management

REPORT

Document Id: A1030078

Report Number: 2017/1020
 Prepared For: Regulatory Committee
 Prepared By: Marian Weaver, Resource Manager Procedures & Protocols
 Date: 25 August 2017

Subject: **Consents and Building Control Report 17 July to 25 August 2017**

1. Consent Processing

1.1 Limited Notification

- One application for a water permit went to limited notification in this period, because written approval from an affected party could not be obtained.

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1.2 Objections

- **RM17.123 Mt Cardrona Station Limited.** The residual flow condition of this permit has been objected to by the applicant.

1.3 Appeals

- **RM17084 Kye Burn** application for deemed permit replacements went to a hearing on 23 June. The consents were granted and have been appealed by Otago Fish and Game. Court assisted mediation is expected.

2. Consent Statistics

Table 1. Consents Statistics Summary

Reporting Period	Lodged			Rejected	Decision Given		
	Consents	Variations			Consents	Variations	
		Regular	Water reporting date			Regular	Water reporting date
16/17 Year total	385	63	14	0	373	70	13
1/7 to 14/7 2017	12	3	0	0	12	8	0
17/7 to 25/8 2017	42	23	1	0	46	11	1
17/18 YTD	54	26	1	0	58	19	1

All decisions on consents were given within RMA allowed timeframes.

3. Consent Administration

Table 2. Consent Administration Statistics

Reporting Period	Transfers Received	Transfers Issued	S417 Certs Received	S417 Certs Issued
16/17 totals	263	242	9	12
1/7-14/7 2017	4	4	0	0
17/7 to 25/8 2017	22	20	2	0
17/18 YTD	26	24	2	0

4. Building Consent Authority (BCA) Administration

Table 3: Building Act Statistics

	Building Permits		Certificate of Acceptance		Code Compliance Certificate	
	received	issued	received	issued	received	issued
16/17 totals	3	3	2	2	3	2
1/7-14/7 2017			1			
17/7 to 25/8 2017				1	1	
17/18 YTD	0	0	1	1	1	0

5. Public Enquiries

335 enquiries were received during the 6 week reporting period and appendix 1 shows 2581 over the last financial year.

Table 4. Public Enquiries Statistics

Period	Number of Enquiries
16/17 year	2581
1/7-14/7 2017	97
17/7 to 25/8 2017	273
17/18 YTD	370

6. Recommendation

That this report is noted.

Tanya Winter
 Director Policy Planning and Resource Management

Appendix 1 Public Enquires 17 July 2016 –25 August 2017
Total Number of Enquiries
273

Enquiry Type	No.	% of Total
Current Consents	112	41 %
Mining Privileges	4	1.5 %
Other	26	9.5 %
Permitted Activities	84	30.8 %
Pre-application	27	9.9 %
Property Enquiries	14	5.1 %
TLA Enquiries	1	0.4 %
Transfers	5	1.8 %

Enquiry Location	No.	% of Total
Central Otago District Council	100	36.6 %
Clutha District Council	15	5.5 %
Dunedin City Council	42	15.4 %
Outside Otago	1	0.4 %
Queenstown Lakes District Council	48	17.6 %
Throughout Otago	10	3.7 %
Unspecified	30	11 %
Waitaki District Council	27	9.9 %

Enquiry Method	No.	% of Total
Counter	6	2.2 %
Email	179	65.6 %
Telephone	88	32.2 %

REPORT

Document Id: A1030118

Report Number: 2017/1021
 Prepared For: Regulatory Committee
 Prepared By: Marian Weaver, Resource Manager Procedures & Protocols
 Date: 25 August 2017

Subject: **Deemed Permit Replacement Progress - 17 July to 25 August 2017**

1. Background

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

2. Promotion of Group Formation

A prime focus of the project is to meet with clusters of deemed permit holders based on catchments, in order to outline the steps required for deemed permit replacement and encouragement to form water management groups.

The following meetings with groups have been held or are scheduled:

Meetings held	
Federated Farmers	17 th July
Shepherds Creek, Taieri catchment	14 th August
Statutory bodies	22 nd August

Upcoming meetings	
Planning consultants	Mid September
Manuherikia tributaries	2 meetings first week October
Round 3 meeting with groups	November

Topics for round 3 meetings referred to above will include the following:

- Outline of additional fish survey requirements per tributary, where required.
- Flows per tributary, availability and method
- Options for group sharing protocols during lower flows
- Guidance on applying for section 417 easements

There are no meetings with water users from mid-August and September as this is the busiest time of the year for farmers with lambing and calving. Staff involved in this work will be on leave during this period. Meetings will resume in October.

Group Permit Applications

An application from the Kyeburn group of permit holders for the replacement of 34 permits was heard in late June and the decision is under appeal.

An application from 3 permit holders in the Eweburn catchment is being processed.

Objectives

Performance Measure 1:

Water taken under deemed permits are replaced by resource permits (water permits) by 2021, less any permits cancelled or surrendered.

Performance Target 2:

50% of the volume of water taken in Otago under consents is being managed by groups at 1 October 2021; 50% of water permits are managed through groups or water allocation committees.

All deemed permits are replaced or have applications lodged by 31 March 2021.

Progress on Objectives:

For reporting purposes a “group” includes existing irrigation companies and Territorial Authorities.

Table 1. Allocated Surface Water

	Total	Groups	TLA	Other	%Held by Groups & TAs
l/sec	322,154	69,508	5,685	246,961	23.3%
No. Permits	1,152	131	71	950	17.5%

No change since last report.

Including the impact of the water measuring regulations, (some cancellations and surrenders and consent replacement) the number of deemed surface water permits is slowly decreasing. In April 2014 there were 458, and on 19 July 2017 there were 381 deemed permits.

3. Recommendation

That this report is noted.

Tanya Winter

Director Policy Planning & Resource Management