



REGULATORY COMMITTEE AGENDA

Wednesday 1 May 2019, commencing at 8:30 a.m.
Council Chamber, Level 2 Philip Laing House
144 Rattray Street, Dunedin

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

Disclaimer

Please note that there is an embargo on agenda items until 48 hours prior to the meeting. Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

For our future

TABLE OF CONTENTS

1.	Apologies	3
2.	Leave of Absence	3
3.	Attendance.....	3
4.	Confirmation of Agenda.....	3
5.	Conflict of Interest	3
6.	Public Forum	3
7.	Presentations	3
8.	Confirmation of Minutes.....	3
9.	Actions	3
10.	Matters for Council Decision.....	4
11.	Matters for Noting	5
	11.1. General Manager's Report on Progress.....	5
	11.2. Consents and Building Control	10
	11.3. Enforcement Activity	21
12.	Resolution to Exclude the Public.....	25
12.99.	Public Excluded Postamble	25
13.	Notices of Motion	26
14.	Closure	26

1. APOLOGIES

Nil

2. LEAVE OF ABSENCE

Leaves of absence noted for Cr Kempton, Cr Noone and Cr Woodhead.

3. ATTENDANCE

4. CONFIRMATION OF AGENDA

Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

5. CONFLICT OF INTEREST

Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

6. PUBLIC FORUM

7. PRESENTATIONS

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the meeting held on 21 March 2019 be received and confirmed as a true and accurate record.

Attachments

1. Minutes of the Regulatory Committee Meeting - 20190321 **[8.1.1]**

9. ACTIONS

Status report on the resolutions of the Regulatory Committee

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
11.1 Compliance Activity for 2017/18	17/10/18	<i>That a case study be undertaken on the Kaikorai Stream with a view to informing future work on urban waterways and other waterways of concern.</i> <i>That this paper be reframed and represented with analysis of trends and of highlights and issues governance should be address</i>	IN PROCESS
11.2 Director's Report on Progress	17/10/18	<i>That an effectiveness review of lagarosiphon control on Lake Dunstan be</i>	COMPLETE. RPTD BACK

Lagarosiphon control – Lake Dunstan		<i>brought to next committee round</i>	TO REG COMM - 21/03/19
Wallaby Control	28/11/18	Cr Scott requested that the action item for a Memorandum of Understanding (MOU) with Environment Canterbury for wallaby control be reinstated to the action list and provide an update on the success of the wallaby control programme.	IN PROCESS
Lagarosiphon mgmt report	21/03/19	Cr Woodhead requested to have LINZ make a presentation to Council in the future re lagarosiphon management.	IN PROCESS

10. MATTERS FOR COUNCIL DECISION

Nil

11. MATTERS FOR NOTING

11.1. General Manager's Report on Progress

Prepared for: Regulatory Committee
Report No. GOV1828
Activity: Governance Report
Endorsed by: Peter Winder, Acting General Manager Regulatory
Date: 12 April 2019

PURPOSE

- [1] To update the Committee on regulatory activity undertaken during the period 1 March 2019 to 12 April 2019.

STAFF RECOMMENDATION

That the Council:

- 1) ***Receives*** this report.

COMPLIANCE

Consent Inspection Audits

- [2] The Manuherikia Catchment continues to be a priority, focusing on irrigation water take permits with 11 consents audited over this reporting period.
- [3] A total of 13 consent audits were conducted during March. No major issues were identified.

Forestry

- [4] During the reporting period, one forestry inspection was completed. Minor non-compliances associated with spoil locations and placement and stability of slash were identified. A reinspection will take place after the harvest.
- [5] Two companies have been advised that their intended harvesting operations are a controlled activity (i.e., consent is required) because timeframes for providing notification of harvest and Forestry Management Plans were not met. One company commenced harvest without a consent. They were instructed to cease work and sought waiver under the RMA s37 of the Resource Management Act 1991. Dispensation is being sought with respect to the notice period on the basis that there has been a technical breach of the requirements of s64 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. This request is being considered.
- [6] Twenty-nine Forestry Management Plans, submitted in advance of commencing harvest, were reviewed. A further twenty-eight plans require review.

[7] ORC hosted a workshop with Waitaki District Council, attended by 17 foresters. The purpose of the workshop was to initiate discussions on local authority and regional council expectations under the National Environmental Standard for Plantation Forester (NES PF). Staff from Environment Southland also met with ORC staff to see how the Otago Regional Council is implementing the NES PF.

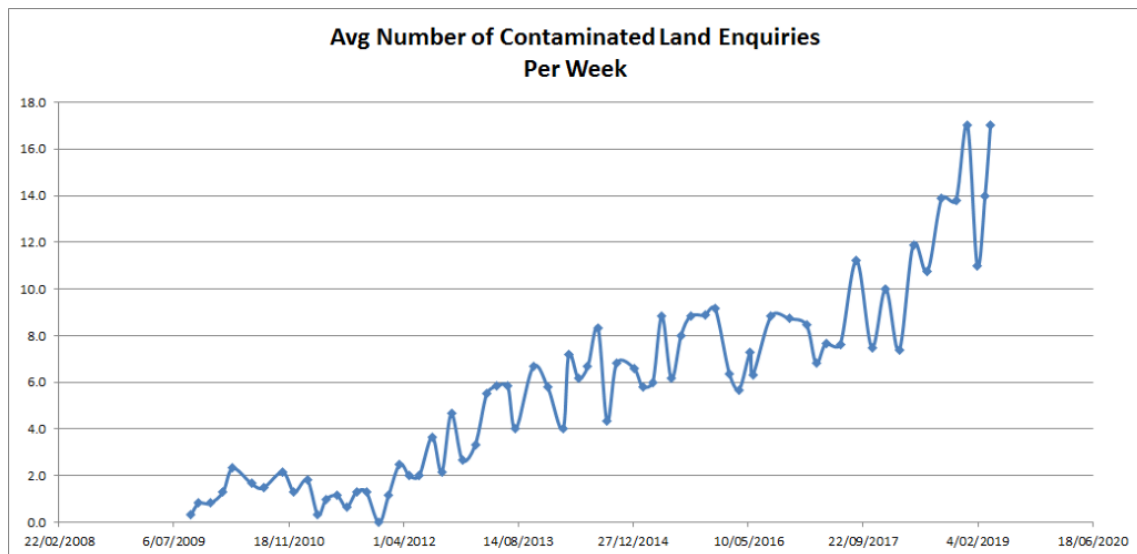
Dairy

[8] Dairy inspections have continued over this period with the focus on properties identified as high risk due to insufficient infrastructure, being in a poor water quality catchment, and drainage risk of effluent reaching water. No non-compliance has been identified during inspections in 2019.

[9] All dairy properties in North Otago have been inspected at least once this season, with a couple of high-risk properties receiving re-inspections. There are 3 high risk properties left to inspect this season, remaining inspections will focus on medium risk properties.

Contaminated Sites

[10] A high level of public interest in contaminated land has been maintained through the reporting period, with the average number of enquiries received each week continuing to increase. Compliance staff have been working with the communications and IT staff to develop a public interface for querying information held by the Otago Regional Council on Hazardous Activities and Industries List (HAIL) sites.



[11] The recent flooding event on the West Coast, and resultant erosion at the Fox landfill, has highlighted the vulnerability of some contaminated sites to the effects of erosion and flooding. We are still awaiting a decision on the funding application for remediation planning at the Beach Road Landfill sites, south of Oamaru. An application was submitted to the Ministry for the Environment's Contaminated Sites Remediation Fund in September 2018.

Compliance Improvement Plan and Actions

[12] A comprehensive programme of activity is underway to improve the performance and effectiveness of our compliance team. The following actions are underway or have been completed:

- Four new compliance staff have been recruited to fill current vacancies within the compliance team, one of these staff will be based in Alexandra
- A permanent appointment has been made to the role of Team Leader Investigations and Enforcement and the role has been refined to support an active case management approach to enforcement activity.
- A significant recruitment drive is underway to recruit a new Team Leader Compliance, who will be based in Alexandra
- The recruitment of the three additional staff that are provided for in the 2019/20 budget has been brought forward and is currently underway
- An initial training programme on conducting effective investigations has been run for all relevant staff
- A full training programme in relation to assessments, investigation and enforcement activity has been scheduled for later in the year to ensure that all new staff receive appropriate training and development
- Work is underway to revamp warrant training
- Significant changes have been made to processes and procedures relating to investigations and the collection of evidence
- Processes in relation to the commissioning of legal advice and the management of cases have been clarified.

[13] In addition to these initiatives a substantial improvement programme has been scoped in conjunction with an external consultant. The core of this work will be the systematic implementation of a risk-based approach to compliance and enforcement. A series of workshops over coming months will formalise the assessment of risk across activities and geographic areas to focus compliance efforts on the issues and risks where they will have the most significant impact. The approach to risk that is adopted will mirror that used to prioritise policy development and plan reviews. It will also align the spectrum of interventions (from awareness and education, to infringement, abatement and prosecution) with the range of activities, risks and the seriousness of failures. This work will ensure that there is a consistent approach to dealing with non-compliance across different activities and geographic areas based on the significance of the non-compliance, the risks that it poses, and the intervention that is most likely to result in behaviour change. These workshops will also inform changes to standard consent conditions and help to ensure a seamless approach to both consenting and compliance activity.

[14] An external consultant has been engaged to work with the team to develop the approach. The framework that will be implemented is based on National Regional Sector Strategic Compliance Framework. This framework was developed by regional councils and is based on excellence in compliance and enforcement practice. It is likely that because of developing a formal risk-based approach to compliance and enforcement there will be shifts and changes in the allocation of resources and the areas of focus for auditing consents and other activities. Councillors will be briefed on this work as it progresses.

[15] It is also likely that due to the focus on compliance, a number of reviews of consent conditions and/or approaches to particular consent holders may be initiated. For

instance, if consent conditions are demonstrated to be problematic that may need to be reviewed. Alternatively, where the track record of a particular consent holder demonstrates repeated non-compliance it may be necessary to change the approach taken by the Council.

HARBOUR MASTER ACTIVITY

Navigational Safety Bylaws

[16] Following the public hearing on the 13th March 2019 the navigational bylaw was presented to council for final sign off on the 3rd April 2019. Sign off was approved and the navigational bylaw will come into force on May 1st, 2019. ORC is in contact with the Minister's office to align our infringement and enforcement process with Maritime New Zealand's common infringement regime.

Harbour Safety

[17] No incidents throughout this period

[18] We are working up new and appropriate signage for the maritime areas that we are responsible for. This is a large piece of work and it will take a good period for it to be completed. However, this is the starting point for educating users on current and useful information when on the water.

[19] The Maritime New Zealand No Excuses campaign completed in the Otago area. This was the first time we have engaged in this and it was very successful. Lessons have been learnt along the way regarding timings and locations and that will be better planned for the campaign in 2020. Overall people were very happy to be engaged on the water

Harbourmaster General

[20] Construction of the new Harbourmaster vessel is underway and coming along nicely, delivery is set for 29th April 2019. A communication strategy is being worked on for an event to launch the vessel. Naming of the vessel is proposed to be through a community process.

[21] We have had a great response to the Deputy Harbour Master role, 20 plus applicants and hope to be making an appointment very soon.

[22] Harbourmaster attended the Oamaru Harbour Space Masterplan meeting early April and will keep an overview on this as it develops.

[23] Maritime New Zealand Liaison meeting held on the 27th March 2019.

CONSIDERATIONS

Policy Considerations

[24] There are no policy considerations arising from this report.

Financial Considerations

[25] Discussion of the funding of the Pest Plan to be included.

Significance and Engagement

[26] No matters in this report trigger the Council's significance policy or require additional or specific consultation.

Legislative Considerations

[27] There are no legislative considerations arising from this report.

ATTACHMENTS

Nil

Nil

11.2. Consents and Building Control

Prepared for: Regulatory Committee
Report No. PPRM1887
Activity: Governance Report
Author: Joanna Gilroy, Manager Consents
Endorsed by: Peter Winder, Acting General Manager Regulatory
Date: 8th April 2019

PURPOSE

- [1] The purpose of this report is to give Committee a high-level overview of the consents and building control activity of Council and the deemed permit replacement progress for the period 23 February 2019 to 29 March 2019.

EXECUTIVE SUMMARY

- [2] This report aims to summarise the regulatory activity of the Consents Team.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.

CONSENT PROCESSING

Public Notification

- [3] No applications have been publicly notified during this period.

Limited Notification

- [4] One application was limited notified during this period.

OBJECTIONS

- [5] No objections to consent conditions or consent processing costs were received in this reporting period.
- [6] The objection to consent conditions received in the last reporting period has been resolved. Requested changes to the consent conditions were made and the decision was approved without needing to go to a hearing panel.

APPEALS

RM17.229 – Peter Ronald Graham

- [7] This was an application to occupy the coastal marine area with a pontoon for operating a 'Hole in one' golf challenge.

- [8] The appellant was an unincorporated society comprised of submitters on the application. They appealed the decision to grant the consent for a wide variety of reasons.
- [9] The Consent Order was finalised by the Environment Court and Coastal Permits have been reissued. This appeal is now finalised.

RM17.084 - Kyeburn Catchment Limited

- [10] An application to take and use surface water from various locations on the Swinburn and Kyeburn for the purposes of irrigation, storage, stock water, firefighting, curling and hydro-electricity generation.
- [11] The appellant is appealing the decision to grant the consents for a wide variety of reasons.
- [12] Mediation has occurred, and the applicant and appellant have been corresponding since to reach agreement. A draft Consent Order has been circulated to the Council for agreement prior to sending it off to the Environment Court. The General Manager Regulatory has the delegation to agree to the suggested changes, ensuring they do not impact on Council's functions and jurisdiction.

CONSENT STATISTICS

- [13] For the reporting period, all 53 decisions made were given within Resource Management Act 1991 (the Act) mandated timeframes. 50% of the decisions made during the reporting period utilised a timeframe extension; in most cases this was to enable the applicant to review the proposed conditions.
- [14] For the reporting period the average number of statutory processing days taken to process an application was 6.
- [15] For the year to date all decisions on consents, except two applications with two consents, each granted, were given within the Act mandated timeframes.
- [16] The current number of consent applications in the system for processing is 172. With this number of consents in the system staff workloads remain high, but statutory timeframes are generally being met.
- [17] The number of applications lodged during this reporting period is 44, which is less than the number lodged in the previous reporting period. Consequently, staff have been able to follow up applications that have been in the system and on hold, as well as focusing on processing incoming applications. The median number of consents lodged per week for during this reporting period is 8.8.
- [18] The summary of consents statistics is set out in Appendix 1 to this report.

DEEMED PERMIT REPLACEMENT

- [19] There were originally 795 deemed permits that included 'paper' or unexercised permits. There are currently 347 deemed permits that are current or possibly live. This figure includes:

- deemed permits that are likely to be replaced;
- deemed permits that are not likely to be replaced; and
- deemed permits that have obtained a replacement consent but have not yet surrendered their deemed permit. If the deemed permit is not expired, it will remain current until 1 October 2021.

[20] It is estimated that approximately 2/3 (i.e. approx. 230) of the current deemed permits are yet to apply for a replacement consent.

[21] During the reporting period no replacement applications for deemed permits were received. No deemed permits were surrendered, cancelled or expired during this reporting period. Overall, fourteen deemed permits are currently being processed for replacement consents.

[22] The breakdown of deemed permits per catchment are set out in Appendix 2 to this report.

CONSENT ADMINISTRATION

[23] 17 transfers (to transfer ownership of a resource consent) were received, with 7 issued during this reporting period. This is less than the 32 received in the previous reporting period. The median number of transfers per week for the year to date is 3.4.

[24] The summary of consents administration statistics is set out in Appendix 3 to this report.

BUILDING CONSENT AUTHORITY (BCA) ADMINISTRATION

[25] In the year to date very little activity has occurred in the building consent application arena. Council has only received one application for a new permit and one application for a minor variation to an existing permit.

[26] Staff have attended several pre-application meetings about potential applications, so there may be a slight increase in work in the next several months.

[27] The summary of BCA statistics is set out in Appendix 4 to this report.

PUBLIC ENQUIRIES

[28] 229 enquiries were received during this reporting period. This is a reduction from 244 in the previous reporting period. The average number of public enquires per week for the year to date is 120.

[29] Details are set out in Appendix 5 to this report.

REVIEW OF COUNCIL'S RESOURCE CONSENTING FUNCTION

[30] Since the completion of the function review work has started on prioritising the recommendations, which includes setting timeframes and implementing some of the recommendations. To date the following actions have been completed or are well underway:

- The default position for service of consent documents is now electronic, with an 'opt in' to get paper copies added to application forms.

- An email address has been set up specifically to receive consent applications electronically.
- Work has commenced to scope what would be required to get copies of consents available online (probably using Otago Maps).
- The consents procedure manual and standard conditions are being reviewed and updated to ensure they are current; this work is being assisted by an external consultant with considerable experience.
- The consents team now has a critical issue meeting every Monday.
- Training on how to identify affected parties has been undertaken.
- A new template is being developed for making a recommendation on affected parties, or non-notification. It is expected that this will be in use within the next two or three weeks.
- Three monthly meetings with stakeholder groups to discuss affected party process and consent processing have been initiated.
- A training session run on factors to consider when determining consent duration has been run. A new report template which will prompt consideration of these factors is under development.
- A new protocol for requesting legal advice is in place – only Managers can now request this advice.
- Significant external legal and professional planning advice has been sought in relation to the processing of deemed permit renewals and the application of the NPSFM, the RPS, and Regional Plans under a range of scenarios relating to different types of application, from different parts of the region. External support has been engaged to assist with the workload of processing expected deemed permit replacements, a new guidance notes on deemed permit replacement has been developed and work is almost complete of a strategy to deal with the processing of deemed permits.
- A decision has been made to move establish two Team leader roles (one in Dunedin and one in Alexandra) rather than the Principal Planner roles recommended in the review and recruitment for these roles is underway.
- Discussions about what to do with the processing of Building Act permits have started with other Councils.
- A more rigorous s88 assessment of the completeness of applications has been implemented. This includes using a checklist to ensure that s88 requirements of the Act are being met and only complete applications are being accepted.

[31] Addressing the recommendations from the review of the consenting function is a high priority. Some of the recommendations will take longer to address than others. Specifically, recommendations that require changes to computer systems will be more time consuming than the immediate changes which have been made already.

CONSIDERATIONS

Policy Considerations

[32] There are no policy considerations.

Financial Considerations

[33] There is budget in the 2018/19 Annual plan for the Consent Department Functions.

[34] For the reporting period 56.1% of staff time was cost recoverable. This is higher than the 36.1% for the previous reporting period. Other time during the reporting period will

have been spent on: responding to public enquiries which is not cost recoverable unless the enquiry takes longer than half an hour; training and development and assisting other Council teams.

- [35] Work has started on being able to better account for and report on non-cost recoverable time.

Significance and Engagement

- [36] The Council's Significance and Engagement Policy is not relevant to this item.

Legislative Considerations

- [37] The Consents Department is following the Resource Management Act 1991 and Building Act 2004 statutory requirements

NEXT STEPS

- [38] The next steps are to continue the regulatory functions as required.
- [39] Work will continue prioritising and implementing the findings of the Consent Function report.

ATTACHMENTS

Nil

Appendix 1: Consents Statistics

Table 1: Consents Statistics Summary

Reporting Period	Lodged			Rejected	Decision Given		
	Consents	Variations			Consents	Variations	
		Regular	Water reporting date*			Regular	Water reporting date*
23/2/2019 to 29/3/2019	44	6	0	1	44	3	0
18/19 YTD	351	26	1	10	274	29	2

* Means the date water metre and/or flow records are to be provided to the Council.

Table 2: Breakdown of Granted Consent Type

Notification Group	Consent Type	Without Hearing			Total
		S37 Extention	Within Timeframe	Total	
Limited Notified	<input type="checkbox"/> Water Permit	1	-	1	1
	Total	1	0	1	1
Non Notified	<input type="checkbox"/> Certificate	-	2	2	2
	<input type="checkbox"/> Discharge Permit	5	6	11	11
	<input type="checkbox"/> Land Use Permit	10	16	26	26
	<input type="checkbox"/> Water Permit	10	3	13	13
Total	25	27	52	52	
Total		26	27	53	53

Appendix 2: Deemed Permits Breakdown Per Catchment up to 29 March 2019

Catchment Name	Original number of Deemed Permits	Number of Replacement Applicants Currently Being Processed	Number of Current or Possibly Live Deemed Permits
Quartz Creek	1	0	1
Manuherikia Catchment	189	3	71
Crook Burn (2)	4	1	2
Camp Creek (1)	3	0	2
Taieri Catchment	209	2	75
Long Gully (1)	4	1	1
Unnamed Trib's of Clutha River above Tuapeka Mouth	20	0	8
Lowburn Creek	18	1	13
Waikerikeri Creek	6	0	3
Arrow River	16	0	12
Bendigo Creek	3	0	2
Five Mile Creek (1)	3	0	1
Coal Creek	8	0	7
Toms Creek	3	0	2
Unnamed Trib's of Kawarau River	3	0	2
Lindis River	41	4	19
Cardrona River	40	0	14
Stony Burn	2	0	0
No GIS data or specified catchment	41	0	18
Luggate Catchment	13	1	12
Teviot River	2	0	2
Unnamed Trib's of Lake Hawea	5	0	2
Shingle Creek	13	0	10
Unnamed Trib's of Clutha River above Lake Dunstan	6	0	3
Basin Burn	4	0	4
Tinwald Burn	4	0	3
Tima Burn	3	0	0
Albert Burn (1)	5	0	4
Schoolhouse Creek	1	0	1
Kidd Creek	1	0	1
Nevis River	2	0	2
Bannock Burn	23	0	9
Pipeclay Gully	4	0	1
Butchers Creek (1)	2	0	2
Chapmans Gully	1	0	1

Fraser River	10	0	8
Mt Pisa	1	0	0
Roaring Meg	6	0	4
Amisfield Burn	9	0	5
John Bull Creek	2	0	1
Poison Creek	1	0	1
Black Jacks Creek	2	0	1
Goat Camp Creek	2	0	0
Wye Creek	1	0	0
Beaumont River	1	0	1
Unnamed Trib's of Lake Wanaka	1	0	0
Cambells Creek	1	0	1
Park Burn	7	0	3
Washpool Creek (1)	5	0	4
Ripponvale Road	2	0	2
Rees River	2	0	1
Devils Creek	2	0	0
Quartz Reef Creek	4	1	1
Kakanui Catchment	2	0	0
Unnamed Trib's of Lake Whakatipu	1	0	0
Donaldsons Creek	4	0	0
Unnamed Trib's of Lake Dunstan	3	0	1
Pomahaka River	3	0	3
Lake Hayes Catchment	2	0	0
Wanaka Township	3	0	2
Shotover River	1	0	1
Frankton Arm	1	0	0
Burn Cottage Creek	5	0	5
Unnamed Trib's of Clutha River above Lake Roxburgh	2	0	1
Franks Creek	2	0	2
Leaning Rock Creek	1	0	0
Elbow Creek	1	0	0
School Creek	1	0	0
Waitahuna Catchment	1	0	1
Totals	795	14	359

Appendix 3: Consent Administration

Table 3: Consent Administration Statistics

Reporting Period	Transfers Received	Transfers Issued	s417 Certs Received	s417 Certs Issued
23/2/2019 to 29/3/2019	17	7	1	2
18/19 YTD	164	108	3	2

Appendix 4: Building Consent Authority (BCA) Administration

Table 4: Building Act Statistics

Reporting Period	Building Permits		Certificate of Acceptance		Code Compliance Certificate	
	Received	Issued	Received	Issued	Received	Issued
23/2/2019 to 29/3/2019	0	0	0	0	0	0
18/19 YTD	2	1	0	0	0	0

Appendix 5: Public Enquiries

Table 5: Public Enquiries Statistics

Period	Number of Enquiries
17/18	2,415
23/2/2019 to 29/3/2019	229
18/19 YTD	1,564

Table 6: Resource Consent Public Enquiries Report for Period 23 February 2019 to 29 March 2019

Type of Enquiry	No.	% of Total
Current Consents	75	33
Other	16	7
Permitted Activity	48	21
Pre-application	45	20
Property Enquiries	36	17
Mining Privileges	4	1
Transfers	5	1

Method of Enquiry	No.	% of Total
Counter	11	5
E-mail	116	51
Internet	6	3
Letter	2	1
Telephone	94	40

Enquiry Location	Total	% of Total
Central Otago DC	59	26
Clutha DC	19	8
Dunedin CC	42	18
Queenstown Lakes DC	50	22
Throughout Otago	12	5
Unspecified	31	14
Waitaki DC	16	7

11.3. Enforcement Activity

Prepared for: Regulatory Committee
Report No. EMO1857
Activity: Regulatory: Consents and Compliance
Author: Peter Kelliher, Legal Counsel
Endorsed by: Peter Winder, Acting General Manager Regulatory
Date: 12 April 2019

PURPOSE

[1] 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 March 2019 to 12 April 2019.

STAFF RECOMMENDATION

That the Council:

1) **Receives** this report.

RESOURCE MANAGEMENT ACT 1991

[2] Resource Consents

Table 1. Infringement Notices

Details	Period – 1 March 2019 to 12 April 2019	Total – from 1 July 2018
Taking water in breach of resource consent conditions	0	1
Discharge of contaminants (treated wastewater) to land in circumstances which may result in those contaminants entering water - in breach of resource consent conditions	1	2
Discharge of contaminants to air in breach of resource consent conditions - odour	0	2
TOTAL	1	5

Table 2. Abatement Notices

Details	Period – 1 March 2019 to 12 April 2019	Total – from 1 July 2018
To cease discharging contaminants in breach of a resource consent	1	1
TOTAL	1	1

[3] Complaint Response

Table 3. Infringement Notices

Details	Period – 1 March 2019 to 12 April 2019	Total – from 1 July 2018	Complaints Received [1]
Discharge of contaminants to land in circumstances which may result in those contaminants entering water - sediment	0	4	5
Discharge of contaminants to air in breach of a regional rule – burning prohibited material	0	3	2
Discharge of contaminants to air in breach of a regional rule – odour	0	3	7
Discharge of contaminants to air in breach of a regional rule – outdoor burning	0	4	7
Disturbing the bed of a river - pugging	0	6	6
Disturbing the bed of a river – mechanical excavation	0	2	1
Discharge of contaminants to land in circumstances which may result in those contaminants entering water (Coastal Marine Area) – contaminants from a truck wash	0	1	1
TOTAL	0	23	29

[\[1\]](#) Number of complaints received by Council for the matters that have been subject to enforcement action.

Table 4. Abatement Notices

Details	Period – 1 March 2019 to 12 April 2019	Total – from 1 July 2018	Complaints Received
To cease discharging contaminants to air from a domestic heating appliance in breach of a regional rule	0	1	1
To cease discharging contaminants in breach of a regional rule - sediment	0	2	4
To remove a dead animal from a river	0	1	1
To cease discharging contaminants from a farm landfill in breach of a	0	3	3

regional rule			
To remove debris / slash from the bed of a river	0	2	2
To cease diverting water in breach of a regional rule	0	1	2
To cease diverting/ discharging water which is likely to cause an adverse effect on the environment	0	1	6
To undertake routine inspections and stop any discharge of smoke/odour from the property	0	1	1
To cease discharging contaminants in breach of a resource consent	0	2	7
TOTAL	0	14	27

Table 5. Authorised Legal Proceedings

Details	Period – 1 March 2019 to 12 April 2019	Total – from 1 July 2018	Complaints Received
Discharge of contaminants to land in circumstances which may result in those contaminants entering water - sediment	0	1	3
1. Disturbing the bed of a river – pugging; and 2. Discharge of contaminants in breach of a regional rule - sediment	0	1	1
TOTAL	0	2	4

[4] Inspections

Table 6. Infringement Notices

Details	Period – 1 March 2019 to 12 April 2019	Total – from 1 July 2018
Discharge of contaminants to land in breach of a regional rule – effluent	0	3
Discharge of contaminants to land in circumstances which may result in those contaminants entering water - effluent	0	2
Discharge of contaminants to land in breach of a regional rule – silage	0	1
Disturbing the bed of a river – pugging	1	1
TOTAL	1	7

Table 7. Authorised Legal Proceedings

Details	Period –	Total – from
----------------	-----------------	---------------------

	1 March 2019 to 12 April 2019	1 July 2018
Discharge of contaminants to land in breach of a regional rule – effluent	0	1
TOTAL	0	1

INFRINGEMENT FEES

[5] Resource Management Act (“RMA”) infringement fees are set by the Resource Management (Infringement Offences) Regulations 1999. Under the Regulations, infringement fees range from \$300 to \$1,000, depending on which section of the RMA has been contravened.

[6] From 1 July 2018, Council has issued 35 infringement notices totalling \$20,300 in infringement fees.

CURRENT PROSECUTIONS

Table 8. Current Prosecutions

Matter	Next Appearance
Northlake Investments Limited	Defended hearing – trial date 29-30 April 2019
Greg Cowley Limited and Greg Cowley	Sentencing date to be confirmed
Maruia Mining Limited and Alan Roberts	Defended hearing – date to be confirmed.

BUILDING ACT 2004

[7] Two Notices to Fix were issued with respect to earth embankment dams in the Otago Region. The Notices were issued for building work that did not comply with the New Zealand Building Code.

Attachments

Nil

12. RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987) namely:

- 8.1 Approval of minutes of the Public Excluded Regulatory Committee Meeting held 21 March 2019.
- 3.1EMO1858 Enforcement Activity

12.99. PUBLIC EXCLUDED POSTAMBLE

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
8.1 Minutes of the 21/03/19 Public Excluded Regulatory Committee Meeting	LGOIMA Section 6 (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; To protect the privacy of natural persons 7(2)a; to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any 7(2)(c)(i) and 7(2)(c)(ii); and, to maintain legal professional privilege, 7(2)(g). Section 48(1)(a); Section 48(1)(d) Section 6(a) Section 7(2)a; 7(2)(c)(i);	Section 48(1)(a)
3.1 EMO1858 Enforcement Activity	Good reason for withholding official information exists, for the purpose of section 5, if the making available of that information would be likely—to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial – Section 6(a)	Section 48(1)(a);

This resolution is made in reliance on [section 48\(1\)\(a\)](#) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above after each item.

13. NOTICES OF MOTION

No Notices of Motion have been received.

14. CLOSURE