



REGULATORY COMMITTEE AGENDA

Wednesday, 12 June 2019

2PM, 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

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1. APOLOGIES

No apologies were notified.

2. LEAVE OF ABSENCE

No leaves of absence were requested.

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

No requests to address the Committee Members were received.

7. PRESENTATIONS

No presentations are scheduled.

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Regulatory Committee meeting held on 1 May 2019 be received and confirmed as a true and accurate record.

Attachments

1. Minutes - Regulatory 20190501 [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>	DONE

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.	GOV1837
Activity:	Governance Report
Endorsed by:	Peter Winder, Acting General Manager Regulatory
Date:	29 May 2019

PURPOSE

- [1] To update the Committee on regulatory activity undertaken during the period 13 April 2019 to 29 May 2019.

STAFF RECOMMENDATION

That the Council:

- 1) **Receives** this report.

COMPLIANCE

Consent Inspection Audits

- [2] 21 Water permit inspections to assist the science team with CHES modelling in the Omakau area were completed over this reporting period. Four permits were graded as non-compliant minor. One permit's water measuring device has not been set up in a way that measures the water take, rather the measuring device has been placed in such a way that it measures the flow of the water way from which water is taken. Three non-compliant permits showed abstraction in excess of consented allowances but have been considered minor and two permits are overdue for verifications of their measuring devices.
- [3] Some structures installed within water ways either to measure water or to increase the height of the water to allow the take into a race have been identified as potentially posing a barrier to fish passage. When these structures have been identified, where the structure is a legal structure, consent holders have been asked to take fish passage into consideration and make modifications to the structure to allow for fish passage.
- [4] 47 other Audit inspections were conducted on discharge to land permits including closed landfills in the CODC area and other waste discharge permits. Three were graded as non-compliant with two of these being considered significant. These are being followed up with enforcement actions where required.

Forestry

- [5] During the reporting period, five forestry inspections were completed. Three were graded as compliant with two as minor non-compliant due to lack of best practice site management which may result in environmental effects. Re-inspections will take place at these sites.

- [6] Forestry sites which have fish spawning areas within the area of work are being prioritised for inspections, to ensure operators comply with the NES.
- [7] Forestry sites in areas of higher risk, or where management plans have been submitted with insufficient detail or not supplied within appropriate timeframes are also being prioritised for inspections. 34 Management plans for forestry work were assessed over this reporting period. 4 were deemed not to meet the standard and were assessed as non-compliant minor.
- [8] Over this reporting period the ORC received 45 notifications of forestry works. Once notification and management plans have been received an assessment of risk is made to determine whether an audit site visit is required.

Dairy

- [9] Dairy inspections have continued over this period with the primary 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. Properties assessed as medium risk have also been inspected. No non-compliance has been identified over this reporting period.

Approximately 12 dairy properties in South Otago remain to be inspected and are expected to be completed by the end of the month.

Contaminated Sites

- [10] In April, the Ministry for the Environment advised that our recent application to the Contaminated Sites Remediation Fund was declined. The project was intended to assist the Waitaki District Council with remediation planning for two landfills South of Oamaru exposed by coastal erosion. The Ministry advised that the fund was oversubscribed and that other sites were ranked as having higher risk. The assessment panel did consider that the application had merit and good social benefits; however, as there are many more coastal landfill sites in a similar situation, they felt consideration of a national approach was required before committing funds. Waitaki District Council have taken steps to stabilise the sites and will continue to monitor the landfills in accordance with an interim management plan while further options are considered.

Compliance Improvement Plan and Actions

- [11] Progress with the compliance improvement plan has continued over the last month. In addition to the actions reported to the last meeting our focus has been on:
- Induction and training of the four new compliance staff that have now started work in Dunedin and Alexandra
 - Recruitment activity for a new Team Leader Compliance, who will be based in Alexandra and the three additional staff that are provided for in the 2019/20 budget
 - The development and roll out of the training programme in relation to assessments, investigation and enforcement activity scheduled for later in the year.

- [12] Our work on the full risk-based approach to compliance and enforcement is due to accelerate in June as the prime management focus of the Regulatory group shifts from implementing the recommendations of the Consents review to progressing the compliance improvement plan.
- [13] The other key compliance focus of the group is on implementing the provisions of plan change 6A. We are currently gearing up to commence checking compliance with the initial requirements for farm managers to hold OVERSEER® related information. The approach that we are taking is fully integrated with the Rural Liaison and Communications and Engagement teams.

HARBOUR MASTER ACTIVITY

Navigational Safety Bylaws

- [14] Navigational bylaws came into force on the 1st May 2019, they are available in hard copy and on the newly developed Harbourmaster page on the ORC website. Next steps are to align the infringement and enforcement tools to compliment the bylaws. This is likely to take a month or so.

Harbour Safety

- [15] We have had 4 mooring breakouts involving small boats from swing moorings around Otago Harbour. Harbourmaster sent a letter to all mooring consent holders reminding them of their obligations to maintain moorings that they have consents in place for.
- [16] ORC are now the proud owners of a vessel! Kaitiaki was delivered to ORC on Tuesday, 21 May, and a naming ceremony was held on the 22nd. The vessel will go into full service once certification has been achieved.

Harbourmaster General

- [17] We have appointed a deputy harbourmaster, due to start with ORC on 4 June 2019. We had a strong field to choose from and I'm sure the person selected will add a considerable skill set to the harbourmaster's department.
- [18] A Harbour Security meeting was held with Port Otago and the second meeting of the Harbour Community Advisory Group was held on 28 May.

KAIKORAI STREAM CASE STUDY

- [19] At its meeting of 17 October the Regulatory Committee requested a case study of the Kaikorai Stream to inform future work on urban waterways and other waterways of concern. The case study is Attached to this report. It sets out an overview of the catchment, the nature of the shared management responsibilities for the area, water quality issues, flood hazards, and consent and compliance information in relation to the Kaikorai Stream and its catchment.

CONSIDERATIONS

Policy Considerations

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

Financial Considerations

[21] There are no financial considerations arising from this report

Significance and Engagement

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

Legislative Considerations

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

Risk Considerations

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

ATTACHMENTS

1. Kaikorai Stream Case Study Committee report final **[11.1.1]**

11.2. Consents and Building Control

Prepared for:	Regulatory Committee
Report No.	PPRM1893
Activity:	Governance Report
Author:	Joanna Gilroy, Manager Consents
Endorsed by:	Peter Winder, Acting General Manager Regulatory
Date:	29 May 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 30 March 2019 to 17 May 2019.

EXECUTIVE SUMMARY

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

RECOMMENDATION

That the Committee:

- 1) **Receives** this report.
- 2) **Recommends** to Council to agree to extend the transfer of Building Act functions with the Southland Regional Council and the West Coast Regional Council for a period of two years.

CONSENT PROCESSING

Public Notification

- [3] One application was publicly notified during this period. This was an application from the Clutha District Council to intermittently discharge untreated wastewater mixed with stormwater to the Tokomairiro River for the disposal of untreated wastewater and stormwater from Milton Sewage Treatment Plant during heavy rainfall events. No submissions were received in relation to this application. Because no submissions were received, delegation to decide on this application sits with Council staff. A Recommending Report with proposed conditions will be put to the Decision-Making Panel.

Limited Notification

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

OBJECTIONS

- [5] Objections to processing costs or consent conditions can be made under the RMA. Where an objection is made to processing costs, it is only the costs above the deposit that can be objected to. If a condition is objected to, then that the specific condition is the one looked at.
- [6] No objections to consent conditions were received in this reporting period.

- [7] One objection to consent processing costs was received during the reporting period. This was for an application where consent was not actually required. The objection has been resolved.
- [8] A hearing for an objection to the processing costs for a land use consent to disturb the bed of a stream has been set up for the 30th of May. This objection will be heard by the Objections Committee.
- [9] Council has 19 objections to processing costs in the system, one of which dates to 2009. This is down from 27 at the start of this calendar year. Consistent progress is being made in dealing with these objections, including fine tuning processes for how these are dealt with.

APPEALS

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 is the subject of an appeal.
- [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 and revised consent conditions have been circulated to the Council for agreement prior to sending it off to the Environment Court. Council has agreed to these changes and has addressed all matters that it needs to. The appeal will be finalised once all other parties sign off on the Consent Order and it is filed with the Court.

CONSENT STATISTICS

- [13] For the reporting period, all 54 decisions made were given within Resource Management Act 1991 (the Act) mandated timeframes. 68% 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 5. This is a quicker timeframe than the previous reporting period, where it was 6 working days. Making robust decisions in a timely manner is a key focus for the team.
- [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 being met.
- [17] The number of applications lodged during this reporting period is 59, which is an increase from the 44 lodged in the previous reporting period. A breakdown of the activity types of these new applications is shown in Appendix 1.

[18] The median number of consents lodged per week for during this reporting period is 8.7.

[19] The summary of consents statistics is set out in Appendix 1 to this report.

DEEMED PERMIT REPLACEMENT

[20] 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.

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

[22] During the reporting period one replacement application for deemed permits was received. This was to replace four deemed permits. No deemed permits were surrendered, cancelled or expired during this reporting period. Overall, fifteen applications, for 22 consents are in the system to replace a total of 60 deemed permits.

[23] In this reporting period staff have attended two site visits for deemed permit replacement applications. This was for pending applications to replace 6 deemed permits in the Luggate Creek catchment and for Trustpower who are looking at replacing some of their permits and surrendering the rest of them.

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

CONSENT ADMINISTRATION

[25] 13 transfers (to transfer ownership of a resource consent) were received, with 8 issued during this reporting period. This is less than the 17 received in the previous reporting period. The median number of transfers per week for the year to date is 3.4.

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

BUILDING CONSENT AUTHORITY (BCA) ADMINISTRATION

[27] 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.

[28] Staff have attended several pre-application meetings about potential applications, so there may be a slight increase in work in the next several months. The summary of BCA statistics is set out in Appendix 4 to this report

BUILDING CONSENT AUTHORITY (BCA) TRANSFER OF FUNCTIONS

- [29] In 2008 Council accepted the transfer of some Building Act functions from both Environment Southland and the West Coast Regional Council. On 1 November 2018 the transfer agreements were extended for a further seven months and are due to expire on 30 June 2019.
- [30] Discussions have been underway to find a more cost-effective delivery arrangement, ideally involving either a single regional council exercising Building Act functions nationally, or only one South Island Council undertaking this work. At this stage no new arrangements have been agreed. It is likely that negotiations over the potential roles and detailed transfer arrangements may take some time. In large part this is because not all functions can be transferred and there are complex scope and liability issues to be addressed if the function was to be transferred to another Council.
- [31] Before a regional council can transfer Building Act functions to another regional council it must formally consult its community using the Special Consultative Procedure (SCP) as set out in the Local Government Act 2002. Engagement using the SCP takes around three months to complete from the point at which the Council has a Statement of Proposal to consult on. Neither Environment Southland nor West Coast Regional Council would be able to complete engagement with their communities using the SPC before the current transfer arrangements come to an end.
- [32] There is no realistic possibility of Environment Southland or West Coast Regional Council establishing alternative arrangements before the current transfer of functions expires on 30 June 2019. Not only would it be impossible to consult their communities in that time frame, it would be impossible for them to develop and implement the systems necessary for them to become accredited Building Consent Authorities in that time. If the current transfer was to expire both Councils would face considerable and costly issues.
- [33] A further complication is that changes to the national framework for managing dams have also been proposed. It is possible that the scope of regional council Building Act roles could change. It would be helpful to have some clarity on this before the decisions are made in relation to the transfer of responsibilities.
- [34] Given the current situation it is considered that the best course of action would be to extend the current transfer arrangements so that orderly negotiations over possible replacements can continue. In the context of possible national level changes, it is recommended that the current transfer provisions be extended for a further two years (to 30 June 2021). The Deed of Transfer provides for early termination, so if negotiations and consultation can be completed before 30 June 2021 the current arrangements can be terminated.
- [35] Extending the current transfer of functions does not expose the Council to any new risks, legislative compliance issues, or new costs.
- [36] The recommended Deed of Transfer is attached to this report.

PUBLIC ENQUIRIES

- [37] 263 enquiries were received during this reporting period. This is an increase from 229 in the previous reporting period.
- [38] Over this reporting period most of the enquiries were about current consents and came in via email.
- [39] Details are set out in Appendix 5 to this report.

REVIEW OF COUNCIL'S RESOURCE CONSENTING FUNCTION

[40] Since the completion of the function review work has started on prioritising the recommendations, which includes setting timeframes and implementing some of the recommendations. As well as the completed, or underway actions listed in Appendix 6 the following has been completed over the last reporting period:

- Interviews have been completed for the vacant Senior Consents Officer position and for the recommended additional Consents Officer position.
 - The ISO accreditation has been allowed to lapse.
 - Discussions about getting consent documents available on line have progressed, with the aim of having copies of permits issued in 2019 available first and then undertaking a project to back capture the 'older' permits.
 - Work has recommenced on finalising the consent application forms for 6A activities. The second part to this project will be working across Council on implementation programmes.
 - Meetings have been set up to discuss consent application fees and to analyse how much certain consent applications cost to process.
 - New report templates for deciding on notification and making a final recommendation on an application are in draft format and will be in use by the end of June.
 - Work on updating Council's standard consent conditions has progressed, with the project expected to be finished by the end of June/start of July. This will include workshops with staff on these conditions to gain feedback and to provide training.
 - Regular catch up meetings are now being held with IT, Science and Compliance.
 - Work on the Consents and Compliance Strategy is progressing, with this document to be finalised by end of June/start of July.
 - 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.
- [41] 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

[42] There are no policy considerations.

Financial Considerations

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

[44] For the reporting period 46.1% of staff time was cost recoverable. This is lower than the 56% for the previous reporting period. However, it is up from the corresponding time in 2018 where it was 40.9%.

[45] For the 18/19 financial year (1 July 2018-17 May 2019) 42.6% of staff time has been cost recoverable.

[46] 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; attending Council wide training session and assisting other Council teams.

[47] Work has started on being able to better account for and report on non-cost recoverable time. This includes providing more sub-codes for staff to record their time against in their timesheets, so that we can analyse which parts of the consents process take the most time, provide more information on our invoices and focus on increasing efficiency in these areas. The Finance team is involved in this process.

Significance and Engagement

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

Legislative Considerations

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

NEXT STEPS

[50] The next steps are to continue the regulatory functions as required.

[51] Work will continue prioritising and implementing the findings of the Consent Function report.

Appendix 1: Consents Statistics

Table 1: Number of applications lodged by activity type 30/3/2019 to 17/5/2019

Activity	Certificate of Compliance	Coastal Permit	Discharge Permit	Land Use Permit	Water Permit	Total
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Air			2			2
Bore				10		10
CMA Use		1				1
Compliance Certificate	2					2
Dam					2	2
Divert					2	2
General				14		14
Groundwater Take					6	6
Land			11			11
Surface Take					6	6
Water			3			3
Total	2	1	16	24	16	59

Table 2: Consents Statistics Summary

Reporting Period	Lodged			Rejected	Decision Given		
	Consents	Variations			Consents	Variations	
		Regular	Water reporting date*			Regular	Water reporting date*
30/3/2019 to 17/5/2019	52	5	0	2	54	3	0
18/19 YTD	403	31	1	12	328	32	2

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

Table 3: Breakdown of Granted Consent Type for 30/3/2019 to 17/5/2019

Notification Group	Consent Type	Without Hearing			Total
		S37 Extension	Within Timeframe	Total	
Non Notified	☐ Certificate	-	1	1	1
	☐ Discharge Permit	11	4	15	15
	☐ Land Use Permit	4	20	24	24
	☐ Water Permit	9	5	14	14
	Total	24	30	54	54
Total		24	30	54	54

Appendix 2: Deemed Permits Breakdown Per Catchment

Catchment	Original number of DP	Number of current replacement applications	Number of current or possibly live DP	Total Number of current consents
Arrow River	16	4	12	8
Basin Burn	4	0	4	1

Benger Burn	0	0	0	3
Cambells Creek	1	0	1	1
Camp Creek (1)	3	0	2	2
Elbow Creek	1	0	0	3
Fraser River	10	0	8	13
Kakanui Catchment	2	0	0	34
Lake Hayes Catchment	2	0	0	12
Lime Creek	0	0	0	1
Lindis River	41	18	19	14
Long Gully (2)	0	0	0	1
Manuherikia Catchment	189	5	71	123
Mt Benger	0	0	0	1
Pomahaka River	3	0	3	32
Roxburgh East	0	0	0	1
Seven Mile Creek	0	0	0	1
Shag Catchment	0	0	0	21
Shotover River	1	0	1	5
Taieri Catchment	209	24	75	154
Teviot River	2	0	2	10
Tokomairiro River	0	0	0	3
Unnamed Trib's of Clutha River above Clutha Mouth	0	0	0	11
Unnamed Trib's of Clutha River above Lake Roxburgh	2	0	1	6
Unnamed Trib's of Clutha River above Tuapeka Mouth	20	0	8	18
Unnamed Trib's of Lake Dunstan	3	0	1	9
Unnamed Trib's of Lake Hawea	5	0	2	16
Waiareka Creek	0	0	0	9
Waikerikeri Creek	6	0	3	3
Waitati River	0	0	0	4
Water of Leith Catchment	0	0	0	6
Welcome Creek Catchment	0	0	0	5
	0	0	18	15
Matukituki River	0	0	0	4
Stoker Road	0	0	0	1
Pipeclay Gully	4	0	1	2
Makarora River	0	0	0	2
Bannock Burn	23	0	9	8

Unnamed Trib's of Lake Whakatipu	1	0	0	8
Unnamed Trib's of Clutha River above Lake Dunstan	6	0	3	13
Locky River	0	0	0	1
Bow Alley Creek	0	0	0	1
Unnamed Trib's of Kawarau River	3	0	2	11
Dairy Creek	0	0	0	2
Georges Creek	0	0	0	1
Unnamed Trib's of Lake Wanaka	1	0	0	4
Waianakarua Catchment	0	0	0	8
Awamoa Creek	0	0	0	6
Albert Burn (1)	5	0	4	1
Alpha Burn	0	0	0	2
Waiwera River	0	0	0	5
Lochar Burn	0	0	0	2
Long Gully (1)	4	1	1	2
Waitahuna Catchment	1	0	1	5
Butchers Creek (2)	0	0	0	1
Landon Creek	0	0	0	2
Nevis River	2	0	2	4
Cardrona River	40	0	14	21
Waikouaiti River	0	0	0	9
Thomson Creek	0	0	0	3
Dingle Burn	0	0	0	2
Washpool Creek (1)	5	0	3	1
Roaring Meg	6	0	4	3
Flynn Road	0	0	0	1
Fruid Burn	0	0	0	1
Stoney Creek	0	0	0	3
Pleasant River	0	0	0	3
Orokonui Creek	0	0	0	1
Chapmans Gully	1	0	1	3
Rees River	2	0	1	3
One Mile Creek	0	0	0	1
Lake Dispute	0	0	0	1
Wye Creek	1	0	0	2
Awamoko Stream	0	0	0	4
Wanaka Township	3	0	2	5
Luggate Catchment	13	6	12	3
Burn Cottage Creek	5	0	5	3
Island Stream	0	0	0	5

Trotters Catchment	0	0	0	1
Catlins River	0	0	0	2
Kaikorai Stream	0	0	0	2
Queensberry Hills	0	0	0	1
Five Mile Creek (2)	0	0	0	1
Walkers Creek	0	0	0	2
Park Burn	7	0	3	2
Franks Creek	2	0	2	1
Kaihiku Stream	0	0	0	1
Rough Burn	0	0	0	1
Gentle Annie	0	0	0	1
Lowburn Creek	18	1	13	1
Donaldsons Creek	4	0	0	1
Rastus Burn	0	0	0	2
Kakaho Creek	0	0	0	1
Tuapeka River	0	0	0	2
Buckler Burn	0	0	0	1
Allangrange	0	0	0	1
Mokoreta River	0	0	0	1
Unnamed Catchments to Sea South of Waitaki Mouth	0	0	0	1
Puerua River	0	0	0	2
Dead Horse Creek	0	0	0	1
Pannetts Road	0	0	0	1
McPherson Rd	0	0	0	1
Dinner Creek	0	0	0	1
Quartz Reef Creek	4	1	1	1
John Bull Creek	2	0	0	1
Tinwald Burn	4	0	3	1
Unnamed Trib's of Clutha River above Tuapeka Mouth	0	0	0	1
Unnamed Trib's of Clutha River above Lake Roxburgh	0	0	0	1
Oamaru Creek	0	0	0	1
Unnamed Trib's of Lake Hawea	0	0	0	1
Beaumont River	1	0	1	1
Amisfield Burn	9	0	5	0
Crook Burn (2)	4	1	2	0

Appendix 3: Consent Administration

Table 3: Consent Administration Statistics

Reporting Period	Transfers Received	Transfers Issued	s417 Certs Received	s417 Certs Issued
30/3/2019 to 17/5/2019	13	8	0	3
18/19 YTD	177	116	3	5

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
30/3/2019 to 17/5/2019	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
30/3/2019 to 17/5/2019	263
18/19 YTD	1,827

Table 6: Resource Consent Public Enquiries Report for Period 30 March 2019 to 17 May 2019

Type of Enquiry	No.	% of Total
Current Consents	71	27
Other	25	10
Permitted Activity	59	22
Pre-application	52	20
Property Enquiries	44	17
Mining Privileges	2	1
Transfers	10	3

Method of Enquiry	No.	% of Total
Counter	7	3
E-mail	143	53
Internet	5	3
Letter	1	1
Telephone	107	40

Enquiry Location	No.	% of Total
Central Otago DC	79	30
Clutha DC	22	8
Dunedin CC	47	18
Queenstown Lakes DC	49	19
Throughout Otago	5	2
Unspecified	37	14
Waitaki DC	24	9

Appendix 6 – Consents Function Review Recommendations Completed or 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.

ATTACHMENTS

Nil

11.3. Biosecurity Update

Prepared for: Regulatory Committee
Report No. EMO1863
Activity: Environmental: Land
Author: Richard Lord, Team Leader Biosecurity and Biodiversity
Endorsed by: Gavin Palmer, General Manager Operations
Date: 30 May 2019

PURPOSE

- [1] To update Council on the following matters:
- National bid for Wallaby funding
 - Collaboration with Environment Canterbury on Wallaby Control
 - National bid for wilding conifer funding (phase two)
 - Proposed Pest Management Plan and Biosecurity Strategy

RECOMMENDATION

That the Council:

- 1) **Receives** this report.

NATIONAL BID FOR WALLABY FUNDING

- [1] Wallabies have been identified in recent years in New Zealand as an increasing emerging threat at a national level. Wallabies compete with domestic livestock by fouling and grazing pasture, agricultural crops, tussock grasslands, and damaging native bush and production forestry.
- [2] In the North Island the Dama wallabies are the species that have established in the Bay of Plenty and more latterly spread to the Waikato. In the South Island the Bennett's wallaby is the species of concern. The Bennett's wallaby species since being released in 1874 in the Waimate area in South Canterbury, have in recent years have showed significant spread within southern Canterbury. In Otago there has been constant and increased activity since 2011.
- [3] As a result of the widespread threat a number of agencies banded together and prepared a national bid for wallaby funding. The format was very akin to the funding bid for the National Wilding Conifer Strategy. The bid was led by the Ministry for Primary Industries (MPI). Other parties involved in preparing the bid included; Waikato Regional Council, Bay of Plenty Regional Council, Environment Canterbury (ECan) ORC, Department of Conservation, Land Information New Zealand (LINZ) and Landcare Research.
- [4] The main thrust of the bid was to gain funding for research and development into new techniques and tools that enabled wallabies to be located when in low numbers over vast geographical areas, and funding toward the control of wallabies in the field. One of the

big challenges is being able to identify wallaby populations when they are in very low numbers amongst many terrain types and cover, and over huge tracts of land. The current thermal technology is expensive and requires more field trials before there can be confidence in it. A national programme would provide the opportunity to look into this and other tools as they emerge. A national collective would mean the costs, trials and results can be shared among the parties.

- [5] On 30 May 2019 MPI were informed that while Treasury and the Minister for Biosecurity were supportive of the wallabies bid, and the case that was made for funding, there has been no funding allocated by the government in the coming financial year.

COLLABORATION WITH ENVIRONMENT CANTERBURY ON WALLABY CONTROL

- [6] Staff of ORC and ECan are working together on the proposed Memorandum of Understanding (MoU) on Wallaby control. A first draft is being revised to include more detail on what the collaboration between ORC and ECan is expected to achieve. The MoU will provide most value if it defines a clear set of desired outcomes and objectives (the “what”) and not just a process by which operational activities are aligned (the “how”). The final draft will be brought to Committee for endorsement.

NATIONAL BID FOR WILDING CONIFER FUNDING (PHASE TWO)

- [7] The Wilding Conifer funding budget was announced on 30 May 2019. The government has committed 10.5 million a year for two years. (\$21 million in total). It is yet to be determined how much of the funding will be spent in Otago. In the coming weeks all parties involved will be prioritising their operational areas and identifying the MU’s in which the work will be carried out in line with the budget allocation.

PROPOSED PEST MANAGEMENT PLAN AND BIOSECURITY STRATEGY

- [8] Hearings are underway for the Proposed Pest Management Plan and Biosecurity Strategy for Otago. 360 public submissions were received on the Plan and/or Strategy and 27 submitters wish to be heard. The Panel is comprised of Crs Robertson (Chairperson), Lawton and Noone and Mr John Simmonds (Biosecurity Consultant). The Panel will commence deliberations on 18 June 2019.

ATTACHMENTS

Nil

Prepared for: Regulatory Committee

Report No. EMO1864

Activity: Environmental - Investigations and Enforcement Action

Author: Peter Kelliher, Legal Counsel

Endorsed by: Peter Winder, Acting General Manager Regulatory

Date: 29 May 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 13 April 2019 to 29 May 2019.

RECOMMENDATION

That the Council:

- 1) **Receives** this report.

RESOURCE MANAGEMENT ACT 1991

[2] Resource Consents

Table 1. Infringement Notices

Details	Period – 13 April 2019 to 29 May 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	0	2
Discharge of contaminants to air in breach of resource consent conditions - odour	0	2
TOTAL	0	5

Table 2. Abatement Notices

Details	Period – 13 April 2019 to 29 May 2019	Total – from 1 July 2018

To cease discharging contaminants in breach of a resource consent	0	1
TOTAL	0	1

[3] Complaint Response

Table 3. Infringement Notices

Details	Period – 13 April 2019 to 29 May 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
Discharge of contaminants to air in breach of a regional rule - odour	1	1	1
TOTAL	1	24	30

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

Table 4. Abatement Notices

Details	Period – 13 April 2019 to 29 May 2019	Total – from 1 July 2018	Complaints Received
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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 regional rule	0	3	3
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 – 13 April 2019 to 29 May 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 –	Total – from
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	13 April 2019 to 29 May 2019	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	0	1
TOTAL	0	7

Table 7. Authorised Legal Proceedings

Details	Period – 13 April 2019 to 29 May 2019	Total – from 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 36 infringement notices totalling \$21,300 in infringement fees.

CURRENT PROSECUTIONS

Table 8. Current Prosecutions

Matter	Next Appearance
Greg Cowley Limited and Greg Cowley	Sentencing date to be confirmed
Maruia Mining Limited and Alan Roberts	Defended hearing – date to be confirmed.

CONSIDERATIONS

Policy Considerations

A. There are no policy considerations arising from this report

Financial Considerations

B. There are no financial considerations arising from this report

Significance and Engagement

- c. No matters in this report trigger the Council’s significance policy or require additional or specific consultation.

Legislative Considerations

- d. There are no legislative considerations arising from this report

Risk Considerations

- e. There are no risk considerations arising from this report.

ATTACHMENTS

Nil

12. RESOLUTION TO EXCLUDE THE PUBLIC

The following resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7 of that Act.

On the grounds that matters will be prejudiced by the presence of members of the public during discussions on the following items, it is **resolved**:

1. *That the following items are considered with the public excluded:*

Meeting Item	Grounds for excluding the public
<i>1.1 Minutes of the 1/05/2019 Public Excluded Regulatory Committee Meeting</i>	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);
<i>3.1 EMO1865 Enforcement Action - Detail</i>	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)

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.

13. NOTICES OF MOTION

No Notices of Motion were submitted.

14. CLOSURE