



REGULATORY COMMITTEE AGENDA

2 p.m., Wednesday, 31 July 2019

Held in the Council Chamber
Level 2 Philip Laing House
144 Rattray St, 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 have been received.

2. LEAVE OF ABSENCE

No leaves of absence have been 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 from members of the public to speak to the Committee were received.

7. PRESENTATIONS

No presentations are scheduled.

8. CONFIRMATION OF MINUTES

8.1. Minutes of the 12 June 2019 Regulatory Committee Meeting Recommendation

That the minutes of the meeting held on 12 June 2019 be received and confirmed as a true and accurate record.

Attachments

1. Regulatory Minutes 20190612 [8.1.1 - 6 pages]

8.2. Minutes of the 12 June 2019 Public-excluded Regulatory Committee Meeting Recommendation

That the minutes of the public-excluded meeting held on 12 June 2019 be received and confirmed as a true and accurate record.

Attachments

1. Regulatory PE Minutes 20190612 [8.2.1 - 2 pages]

9. ACTIONS

Status report on the resolutions of the Regulatory Committee

11.3 Managing the use of coal for domestic	31/1/2018	That the matter of the ability to enforce the current Regional Air Plan AirZone 1 provisions be considered by the	IN PROCESS
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heating in Otago and New Zealand (Technical Committee)		Regulatory Committee	
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 PROGRESS – Dr Palmer updated Committee on progress on 31/7/19
GM Report – Kaikorai Stream Case Study	12/06/2019	Provide a copy of the Kaikorai Stream Case Study to Dr Simon McMillan and forward to DCC staff for consideration and feedback	COMPLETE - letters/reports sent 15/7/19
11.4 Enforcement Action	12/6/2019	Follow up on prosecution of Northlake Investments as item has dropped off current list.	COMPLETE – Crs emailed information.

10. MATTERS FOR COUNCIL DECISION

10.1. Memorandum of Understanding with Environment Canterbury on Wallaby Control

Prepared for: Regulatory Committee
Report No. EMO1867
Activity: Environmental: Land
Author: Gavin Palmer, General Manager Operations
Endorsed by: Gavin Palmer, General Manager Operations
Date: 19 July 2019

PURPOSE

- [1] To consider and endorse a framework, set out in a proposed Memorandum of Understanding, by which Otago Regional Council (ORC) and Environment Canterbury (ECan) will collaborate, cooperate and communicate with each other on wallaby management and control.

EXECUTIVE SUMMARY

- [2] Wallabies are an introduced pest that have been identified as causing harm to indigenous biodiversity, soil conservation and other ecosystems within native forests and shrublands. The effects of wallabies can have considerable economic impact on production farming and forestry.
- [3] Small populations have become established in North Otago and South Canterbury. Although the population in Otago is small there is concern at the rate at which it is

increasing. There is also concern at the increase in the area across which wallabies are being sighted – ORC recently received evidence of a live Wallaby on Three Mile Hill, Dunedin.

- [4] Councillors and staff of ORC, ECan and Waitaki District Council met on 3 October 2018 to discuss wallaby management and control, with a focus on North Otago and South Canterbury. It was agreed that staff of ORC and ECan would work together to prepare a Memorandum of Understanding on wallaby management and control. A draft Memorandum has been prepared for consideration by both councils (**attached**).

RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Affirms** Council's commitment to collaborate, cooperate and communicate with Environment Canterbury on wallaby management and control.
- 3) **Endorses** the proposed Memorandum of Understanding with Environment Canterbury for Wallaby management and control.
- 4) **Authorises** the Council Chairman to make further minor amendments in consultation with Environment Canterbury and to sign the Memorandum of Understanding.
- 5) **Notes** the proposed implementation timetable.

BACKGROUND

- [5] Wallabies are an introduced pest that have been identified as causing harm to indigenous biodiversity, soil conservation and other ecosystems within native forests and shrublands. The effects of wallabies can have considerable economic impact on production farming and forestry¹.
- [6] Wallabies by nature are nocturnal, formidable breeders, very elusive, highly mobile, and very adaptable to any environment. When in low numbers, they are very difficult to detect.
- [7] While the actual numbers of wallabies in Otago is very difficult to determine, the number of reported sightings has significantly increased since 2012. From 2011 to 2016 there were 12 incidents investigated. From 2016 to 2018, 128 sightings were investigated. From 2016 to 2018, 64 were confirmed sightings, with 40 of these confirmed as being destroyed.
- [8] Small populations have become established in North Otago and South Canterbury. Although the population in Otago is small there is concern at the rate at which it is increasing. There is also concern at the increase in the area across which wallabies are

¹ Review of current and future predicted distributions and impacts of Bennett's and dama wallabies in mainland New Zealand, Final Report, Ministry for Primary Industries Technical Paper No:2016/15, March 2016.

being sighted – ORC recently received evidence of a live wallaby on Three Mile Hill, Dunedin.

- [9] Councillors and staff of ORC, ECan and WDC met in Oamaru on 3 October 2018 to discuss wallaby management and control. It was agreed that staff of ORC and ECan would work together to prepare a Memorandum of Understanding on this matter. A draft Memorandum has been prepared for consideration by Council (**attached**).

DISCUSSION

- [10] Staff of ORC and ECan have met several times to discuss the proposed Memorandum of Understanding and how best to frame it. It has been agreed that it should provide the framework for the relationship between the two organisations, supported by an implementation timetable that provides more detail (**attached**). The proposed Memorandum therefore provides a framework for collaboration, cooperation and communication. It formalises and provides more structure around joint initiatives already occurring, such as the regular meetings between biosecurity operational staff.
- [11] Staff have identified five areas that the two organisations should focus on, together. Those areas are as follows:
1. Joint operational work programmes;
 2. A Joint Officer Working Group;
 3. Data collation, analysis, interpretation and reporting;
 4. Joint communications and engagement planning and plans;
 5. An agreed research strategy.
- [12] The proposed Memorandum describes these areas in more detail.

CONSIDERATIONS

Policy Considerations

- [13] The proposed Memorandum does not prescribe policies or objectives for wallaby management and control. Those are matters specified in the respective Regional Pest Management Plans. The Pest Management Plan for Otago is presently being reviewed, and the Hearings Panel is currently deliberating. Under the Biosecurity Act 1993, ORC has three months from the date it is adopted by Council to prepare an Operational Plan setting out how ORC will give effect to the Plan. The proposed Memorandum will complement the Operational Plan.

Financial Considerations

- [14] Each party bears its own costs under the Memorandum (refer clause 11.1). The Memorandum does not commit ORC to costs beyond what is provided for in the 2019/20 Annual Plan and the 2018-21 Long Term Plan.
- [15] The collaboration with ECan will provide operational efficiencies for ORC however it is not possible to quantify any cost savings.

Significance and Engagement

- [16] The Memorandum does not change existing governance arrangements for pest control in Otago or Canterbury. It does not transfer responsibilities between councils nor does it create a shared services or other commercial arrangement.

Legislative Considerations

- [17] The proposed Memorandum will help both councils give effect to their leadership responsibilities under Section 12B(3) of the Biosecurity Act 1993¹ and to Section 14 of the Local Government Act 2002².
- [18] A Memorandum is not a requirement of the currently operative or Proposed Regional Pest Management Plan for Otago or the Regional Pest Management Plan for Canterbury.

Risk Considerations

- [19] The Memorandum does not directly relate to any significant risk identified in ORC's Risk Register nor does it create any new significant corporate risks.
- [20] To be effective the Memorandum relies on both parties committing to and giving effect to it. The likelihood of this not occurring is very low given that both parties have agreed that a Memorandum is desirable and given the positive and constructive way staff have worked together to develop the draft.

NEXT STEPS

- [21] The next steps are for the Council Chairman to sign the Memorandum of Understanding after making any minor amendments arising from further discussion with ECan. It is anticipated that this can be completed by 31 August 2019 and reported to the next meeting of the Regulatory Committee.

ATTACHMENTS

1. Wallaby E Can MOU For Ratification [10.1.1 - 6 pages]
2. 2019 Agreed Implementation Timetable associated with the MOU between ORC and E Can 22 July [10.1.2 - 2 pages]

¹ Biosecurity Act 1993, s12B(3), "A regional council also provides leadership by promoting co-ordination of pest management between regions".

² Local Government Act 2002, Section 14(1), "In performing its role, a local authority must act in accordance with the following principles ... (e) a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes".

11. MATTERS FOR NOTING

11.1. General Manager's Report on Progress

Prepared for:	Regulatory Committee
Report No.	GOV1846
Activity:	Governance Report
Endorsed by:	Peter Winder, Acting General Manager Regulatory
Date:	20 July 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] Three consent audits were completed during this reporting period one of which was significantly non-compliant. Enforcement action has been taken with the consent holder receiving an infringement fine and abatement notice for breaching consent condition limits for their wastewater discharge. The abatement notice specifies particular actions the consent holder must take with specific timeframes.
- [3] New staff have been undergoing audit training and once sufficiently competent warrants can be issued for them to audit consents without supervision. New staff have been focused on consent performance monitoring follow ups and assisting with data entry into hilltop due to insufficient resources in the consent systems and admin team.

Forestry

- [4] Forestry sites which have fish spawning areas within the area of work are being prioritised for inspections, to ensure operators comply with the NES.
- [5] Four forestry operations were inspected during this reporting period, two were non-compliant minor. Following reinspection one of these sites gained compliance, the other is yet to be re-inspected.

Dairy

No dairy inspections have been undertaken during this reporting period. Staff are reviewing inspection information from the 2018/19 season to determine whether risk rankings need to be adjusted. For example, if properties have improved their

infrastructure to a degree that their risk of environmental harm is reduced. It is expected that dairy inspections will commence toward the end of calving.

Contaminated Sites

- [6] 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.
- [7] Given the Ministry's decision the next steps in relation to these landfills are to:
- engage with the Ministry on what a national approach might look like and possibly seek funding under any new framework, and
 - work with Waitaki District Council to make sure that the risks associated with the sites are appropriately managed.
- [8] Waitaki District Council owns the sites and it is their responsibility to undertake any protection, remediation or clean up work that may be required. They 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. Staff will continue to liaise with them over the management of the site. A resource consent is likely to be required to cover the remediation of the sites, making them safe and removing any debris that may enter the coastal marine area.

Compliance Improvement Plan and Actions

- [9] 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:
- 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.
 - A review of all warrants held by ORC staff to assure the right people have the right warrants.
- [10] Our work on the full risk-based compliance and enforcement strategy has progressed with a first draft due at the end of July.

HARBOUR MASTER ACTIVITY

Harbour Safety

- [11] Harbourmaster and Deputy attended the national debrief for this year's No Excuses Campaign in Wellington. Having taken an active part in the campaign for the first time

this year, this forum is good for understanding what everyone else does and what works and doesn't work. Going forward this is of benefit for the upcoming years.

- [12] We attended the Oamaru Boat Marathon event on the 29th June with the new vessel, a good opportunity to show-case the vessel and to trip the coastline.
- [13] Certification of the new vessel Kaitiaki has been submitted to Maritime New Zealand, in the interim and whilst this is processed, we have an exemption in place to operate the vessel as needed from Maritime New Zealand. Full certification is expected by the end of July.

Harbourmaster General

- [14] Deputy Harbourmaster Pete Dryden started with the ORC on the 4th June and is settling in nicely.
- [15] New Maritime signage has been ordered this is the first step in refreshing our current out of date signage and information for users of our waterways, this will be an ongoing piece of work.
- [16] Two days were spent with the Kaitiaki in Lake Dunstan, firstly to look at the Bannockburn Inlet and secondly to take stock of the maritime assets that CODC currently have in place for their jurisdiction.

CONSIDERATIONS

Policy Considerations

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

Financial Considerations

- [18] There are no financial considerations arising from this report

Significance and Engagement

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

Legislative Considerations

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

Risk Considerations

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

ATTACHMENTS

Nil

11.2. Consents and Building Control

Prepared for:	Regulatory Committee
Report No.	PPRM1895
Activity:	Governance Report
Author:	Joanna Gilroy, Manager Consents
Endorsed by:	Peter Winder, Acting General Manager Regulatory
Date:	10 July 2019

PURPOSE

The purpose of this report is to give the Committee a high-level overview of the consents and building control activity of Council and the deemed permit replacement progress for the period 20th May 2019 to 5th July 2019.

EXECUTIVE SUMMARY

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

RECOMMENDATION

That the Committee:

1) **Receives** this report.

CONSENT PROCESSING

Public Notification

[2] One application was publicly notified during this period. This was an application from the Queenstown Lakes District Council to authorise discharges of wastewater to freshwater or to land in circumstances where it may enter freshwater that may occur because of a blockage or breakage in the QLDC wastewater network. Such discharges may occur at any point along the wastewater infrastructure and could discharge into a number of freshwater-receiving environments throughout the Queenstown Lakes District. This application was publicly notified at the request of the applicant. Submissions close on the 12th of July 2019.

[3] In keeping with Council policy for notified consents the application and all submissions will be considered, and decisions made by suitably qualified Commissioners. The Commissioner Appointment Sub Committee will appoint the Commissioners who will hear and determine this application. In considering the application the Commissioners will need to apply current ORC policy and rules as set out in the Regional Policy Statement and the Water Plan. They will also need to apply the relevant provisions of the NPSFM and any other relevant national direction.

[4] At this stage no decisions have been made regarding the merits of this application other than to accept it for processing and to publicly notify it.

Limited Notification

- [5] Limited notification is where notice of an application is served on all persons identified as being adversely affected. Only these people can make a submission on the application. Three applications were limited notified during this period.

OBJECTIONS

- [6] No objections to decisions, or consent conditions were received in the reporting period.
- [7] One objection to processing costs was received in this period. This related to the processing costs for a Bylaw Approval. This objection may need to go to the Objections Committee as the Objector was not satisfied with the staff recommendation that only part of the costs be waived. A decision to go to the Objections Committee is pending approval from Council staff.
- [8] A hearing for an objection to the processing costs for a land use consent to disturb the bed of a stream occurred on the 30th of May. The decision of the committee was to refund part of the invoiced costs.
- [9] Council has 18 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.
- [10] Additional information about the average costs of consent applications is now available on Council's website. This will provide applicants with an idea of likely costs.

APPEALS

RM17.084 - Kyeburn Catchment Limited

- [11] 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.
- [12] Mediation has occurred, and all parties have reached agreement. A Consent Order and revised consent conditions have been submitted to the Environment Court. All parties are now waiting for the Court to issue a decision. There is no timeline for this decision.

CONSENT STATISTICS

- [13] For the reporting period, all 40 decisions made were given within Resource Management Act 1991 (the Act) mandated timeframes. The summary of consents statistics is set out in Appendix 1 to this report.
- [14] 45% of the decisions made during the reporting period utilised a timeframe extension. This is a 20% reduction in the number of timeframe extensions compared to the previous reporting. In most cases this was to enable the applicant to review the proposed conditions. This practice is not required by legislation but is best practice.

- [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 154. This is a reduction from 172 in the previous reporting period. With this number of consents in the system staff workloads remain steady.
- [17] The number of applications lodged during this reporting period is 50, which is lower than the 59 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 7.1.

DEEMED PERMIT REPLACEMENT

- [19] 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 applications for 20 consents are in the system, replacing a total of 68 deemed permits.
- [20] In this reporting period staff did not attend any site visits for deemed permit replacement applications. The ability of staff to attend site visits will be included in the wider communication package for deemed permits.
- [21] The breakdown of deemed permits per catchment are set out in Appendix 2 to this report.

CONSENT ADMINISTRATION

- [22] 29 transfers (to transfer ownership of a resource consent) were received, with 8 issued during this reporting period. This is more than the 13 received in the previous reporting period.
- [23] The summary of consents administration statistics is set out in Appendix 3 to this report.

BUILDING CONSENT AUTHORITY (BCA) ADMINISTRATION

- [24] 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.
- [25] Council's annual internal audit of Building Control functions occurred during the reporting period. The audit was undertaken by Schema. This audit occurs every six months, with the focus being on checking compliance with the Building Act and Council's own procedures.
- [26] Any audit is beneficial as it can help to identify areas for process improvement and ways to increase efficiency. Findings of this audit and proposed process improvements will be reported through this Committee.
- [27] The summary of BCA statistics is set out in Appendix 4 to this report

PUBLIC ENQUIRIES

- [28] 200 enquiries were received during this reporting period. This is a reduction from 263 in the previous reporting period. Over the reporting period most of the enquiries were about current consents and came in via email. Details are set out in Appendix 5 to this report.
- [29] A Council wide project team has been set up and is making progress towards getting consents available online via the Otago Maps system. This should help to reduce requests for copies of consents and increase levels of self-service.

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. As well as the completed or underway actions listed in Appendix 6, the following has been completed over the reporting period:
- Several recruitment decisions have been made:
 - A Senior Consents Officer starts in the Alexandra Office on the 29th of July
 - A new Consents Officer has started in the Dunedin office.
 - Interviews are being held for two Team Leader positions.
 - Cross Council work on the implementation of plan change 6A has started. This is being led by the General Manager of Operations and the Acting General Manager Regulatory.
 - Application forms for 6A activities have been completed. These will be released as part of any Council wide implementation programme.
 - Recommendations have been made about changing consent application deposit fees to better reflect the actual cost of applications.
 - New report templates for deciding on notification and making a final recommendation on an application have started to be used.
 - Work has continued updating Council's standard consent conditions. Various Council teams have been involved in this process. The conditions are currently being reviewed by a lawyer. Once this is completed a final workshop with staff will happen and there will also be a training session
 - Work on the Consents and Compliance Strategy is progressing, with the first draft of this document to be finalised by end of July.
 - Direct dial phone numbers have been added to correspondence about who the processing officer for an application is.
- [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 2019/20 Annual plan for the Consent Department Functions.
- [34] For the reporting period 45.1% of staff time was cost recoverable. This is in line with the previous reporting period.
- [35] For the 18/19 financial year (1 July 2018-30 June 2019) 43.1 % of staff time was been cost recoverable.
- [36] 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 sessions and assisting other Council teams.
- [37] 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

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

Legislative Considerations

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

NEXT STEPS

- [40] The next steps are to continue the regulatory functions as required.
- [41] 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 20/5/2019 to 5/7/2019

Activity	Certificate of Compliance	Coastal Permit	Discharge Permit	Land Use Permit	Water Permit	Total
Air			1			1
Bore				14		14
CMA Use		2				2
Compliance Certificate	2					2
Dam						0
Divert						0
General				7		7
Groundwater Take					7	7
Land			8			8
Surface Take					5	5
Water			4			4
Total	2	2	13	21	12	50

Table 2: Consents Statistics Summary

Reporting Period	Lodged			Rejected	Decision Given		
	Consents	Variations			Consents	Variations	
		Regular	Water reporting date*			Regular	Water reporting date*
20/5/2019 to 5/7/2019	50	11	0	2	40	7	0
18/19 YTD	453	42	1	14	368	39	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 20/5/2019 to 5/7/2019

Notification Group	Consent Type	Without Hearing			Total
		S37 Extention	Within Timeframe	Total	
Non Notified	☐ Certificate	-	2	2	2
	☐ Coastal Permit	-	1	1	1
	☐ Discharge Permit	5	5	10	10
	☐ Land Use Permit	8	12	20	20
	☐ Water Permit	5	2	7	7
Total		18	22	40	40
Total		18	22	40	40

Appendix 2: Deemed Permits Breakdown Per Catchment

Catchment	Original number of DP	Current # of replacement applications	Current or possibly live DP	Current # of 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
20/5/2019 to 5/7/2019	29	7	1	1
18/19 YTD	206	123	4	6

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
20/5/2019 to 5/7/2019	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
20/5/2019 to 5/7/2019	200
18/19 YTD	1,827

Table 6: Resource Consent Public Enquiries Report for Period 20/5/2019 to 5/7/2019

Type of Enquiry	Number	% of Total
Current Consents	69	34
Other	24	12
Permitted Activity	35	17
Pre-application	41	21
Property Enquiries	27	14
Students	1	.5
Transfers	2	1
TLA	1	.5

Method of Enquiry	Number	% of Total
Counter	8	4
E-mail	121	61
Internet	2	1
Telephone	69	34

Enquiry Location	Number	% of Total
Central Otago	55	27
Clutha DC	17	8
Dunedin CC	31	16
Queenstown Lakes DC	50	25
Throughout Otago	10	5
Unspecified	16	8
Waitaki DC	20	10
Outside Otago	1	1

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.
- 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 applications 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 for a strategy to deal with the processing of deemed permits.
- Regular catch up meetings are now being held with IT, Science and Compliance.

ATTACHMENTS

Nil

11.3. Enforcement Activity

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: 5 July 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 30 May 2019 to 30 June 2019.

RECOMMENDATION

That the Council:

1) **Receives** this report.

COMMENTARY

[2] For some types of enforcement activities undertaken by the ORC the number of incidences has increased over the prior year. For others it has decreased. This reflects a mix of factors, including the number of complaints of that type that are received, the nature of the matters that arise from the audit of both consented and permitted activities, and the capacity of staff to address issues as they arise.

[3] As has been reported elsewhere the number of environmental complaints received by the ORC increased during the 2018/19 year. In response to this increase the Compliance team has increasingly prioritised the response to incidents, focusing first on those where environmental harm is obvious and immediate.

[4] For part of the 2018/19 year the Compliance Team was below full strength. This limited our ability to cover the full scope of the intended compliance programme. The Compliance team is in the final stages of making appointments to fill existing vacancies and most of the new positions that were provided for in the budget for 2019/20. This will increase the team's ability to undertake effective compliance activity across the region.

RESOURCE MANAGEMENT ACT 1991

[5] Resource Consents

Table 1. Infringement Notices

Details	Period – 30 May 2019 to 30 June 2019	Total – from 1 July 2018
Taking water in breach of resource consent	0	1

conditions		
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 – 30 May 2019 to 30 June 2019	Total – from 1 July 2018
To cease discharging contaminants in breach of a resource consent	0	1
TOTAL	0	1

[6] Complaint Response

Table 3. Infringement Notices

Details	Period – 30 May 2019 to 30 June 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	4	8
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	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 – 30 May 2019 to 30 June 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 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 – 30 May 2019 to 30 June 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

[7] Inspections

Table 6. Infringement Notices

Details	Period – 30 May 2019 to 30 June 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	0	1
TOTAL	0	7

Table 7. Authorised Legal Proceedings

Details	Period – 30 May 2019 to 30 June 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

[8] 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.

[9] 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 – commencing 26 August 2019

[10] TOTAL RMA INFRINGEMENT NOTICES AND AUTHORISED LEGAL PROCEEDINGS – YEARS 2016/17, 2017/18 AND 2018/19

Table 9. Total Infringement Notices Issued (Inspections and Complaint Response) - RMA

Details	Period 2016/17	Period 2017/18	Period 2018/19
DAIRY EFFLUENT			
Discharge of contaminants to land in breach of a regional rule - effluent	22	7	5
OTHER			
Discharge of contaminants to land in breach of a regional rule - silage	1	3	1
Disturbing of the bed of a river - pugging		1	7
Disturbing the bed of a wetland	1		
Disturbing the bed of a river – mechanical excavation	3	6	2
Discharge of contaminants to air in breach of a regional rule – odour	2	2	4

Discharge of contaminants to land where it may enter water – sediment	3	2	4
Depositing sediment on the bed of a river	1	0	0
Discharge of contaminants to land where it may enter water – wastewater	7	1	0
Discharge of contaminants to land in a manner where it may enter water - oil	0	1	0
Discharge of contaminants to air in breach of a regional rule – outdoor burning	0	1	4
Discharge of contaminants to air in breach of a regional rule – burning prohibited material	0	0	3
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	0	2
Discharge of contaminants to air in breach of resource consent conditions - odour	0	0	2
Discharge of contaminants to land in circumstances which may result in those contaminants entering water (Coastal Marine Area) – contaminants from a truck wash	0	0	1
TOTAL	40	24	36

Table 10. Total Authorised Proceedings (Inspections and Complaint Response) - RMA

Details	Period 2016/17	Period 2017/18	Period 2018/19
DAIRY EFFLUENT			
Discharge of contaminants to land in breach of a regional rule - effluent	8	0	1
OTHER			
Discharge of contaminants to land where it may enter water – sediment	1	3	1
Discharge of contaminants to	1	0	0

land where it may enter water – sediment; and Damming of water in breach of a regional rule			
Discharge of contaminants to air – burning prohibited materials	1	0	0
Discharge of contaminants to land where it may enter water – wastewater	2	2	0
Disturbing the bed of a river – mechanical excavation	1	1	0
1. Disturbing the bed of a river – pugging; and 2. Discharge of contaminants in breach of a regional rule - sediment	0	0	1
TOTAL	14	6	3

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. NOTICES OF MOTION

No Notices of Motion were submitted.

12. CLOSURE

Regulatory Committee 20190731 Attachments

8.1. Minutes of the 12 June 2019 Regulatory Committee Meeting.....	2
8.1.1. Regulatory Minutes 20190612.....	2
8.2. Minutes of the 12 June 2019 Public-excluded Regulatory Committee Meeting.....	8
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10.1. Memorandum of Understanding with Environment Canterbury on Wallaby Control...10	
10.1.1. Wallaby E Can MOU For Ratification.....	10
10.1.2. 2019 Agreed Implementation Timetable associated with the MOU between ORC and E Can 22 July.....	16



Minutes of a meeting of the Regulatory Committee held in the
Council Chamber at 144 Rattray St, Dunedin on Wednesday,
12 June 2019 at 2:35 p.m.

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

Welcome

Cr Scott welcomed Councillors, members of the public and staff to the meeting.

1. APOLOGIES

No apologies were made.

2. LEAVE OF ABSENCE

No leaves of absence were requested.

3. ATTENDANCE

Sarah Gardner	<i>(Chief Executive)</i>
Nick Donnelly	<i>(General Manager Corporate Services and CFO)</i>
Gavin Palmer	<i>(General Manager Operations)</i>
Sally Giddens	<i>(General Manager People, Culture and Communications)</i>
Peter Winders	<i>(Acting General Manager Regulatory)</i>
Andrew Newman	<i>(Acting General Manager Policy, Science and Strategy)</i>
Liz Spector	<i>(Committee Secretary)</i>
Joanna Gilroy	<i>(Manager Consents)</i>
Eleanor Ross	<i>(Manager Communications Channels)</i>
Richard Lord	<i>(Team Leader Biosecurity and Biodiversity)</i>

4. CONFIRMATION OF AGENDA

The agenda was confirmed as tabled.

5. CONFLICT OF INTEREST

No conflicts of interest were advised.

6. PUBLIC FORUM

No public forum was held.

7. PRESENTATIONS

No presentations were held.

8. CONFIRMATION OF MINUTES

Resolution

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

Moved: Cr Scott

Seconded: Cr Neill

CARRIED

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	31/1/2018 (Technical Committee)	<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	<p><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></p> <p><i>That this paper be reframed and represented with analysis of trends and of highlights and issues of governance should be addressed.</i></p>	IN PROCESS – paper presented on 12 June. To be provided to DCC staff for review and comment.
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: 1 August Presentation

10. MATTERS FOR COUNCIL DECISION

Nil

11. MATTERS FOR NOTING

11.1. General Manager's Report on Progress

GM Regulatory Peter Winder, Manager Consents Joanna Gilroy and Manager Communications Channels Eleanor Ross were present to answer questions on the General Manager's Report on Progress. The report provided an update to the Committee on regulatory activity undertaken during the period 13 April through 29 May 2019. Some of the updates reviewed were consent inspection audits, contaminated site, compliance improvement plan and actions, Harbourmaster activity, and presentation of an urban waterway case study on the Kaikorai Stream. After a lengthy discussion, the Councillors requested the Kaikorai Stream report be shared with Dr Simon McMillan and also requested the report be provided to Dunedin City Council staff for comment. Cr Scott asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) *Forward Kaikorai Stream report to Dunedin City Council for consideration and feedback.*

Moved: Cr Noone
 Seconded: Cr Woodhead
 CARRIED

11.2. Consents and Building Control

Manager Consents Joanna Gilroy spoke to the Consents and Building Control report. The report was provided to give 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. The items reviewed included consent processing, objections, and appeals lodged. In addition, deemed permit replacement and a summary of consents administration statistics were summarised. Staff recommended a two-year extension of current transfer provisions for Environment Southland and West Coast Regional Council Building Act functions to 30 June 2021. After a general discussion, Cr Scott asked for a motion.

Resolution

That the Committee:

- 1) **Receives** this report.
- 2) **Recommends** to Council 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.

Moved: Cr Woodhead

Seconded: Cr Deaker

CARRIED

11.3. Biosecurity Update

Dr Gavin Palmer, General Manager Operations and Richard Lord, Team Leader Biosecurity and Biodiversity addressed the Biosecurity Update report. The report summarised the national bid for wallaby funding, a collaboration with Environment Canterbury on wallaby control, the national bid for wilding conifer funding and a proposed Pest Management Plan and Biosecurity Strategy for Otago. After a discussion, the Councillors asked Dr Palmer to report back to the 31 July Regulatory Committee meeting about progress made with the ECan wallaby control collaboration. There was no further discussion and Cr Scott asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.

Moved: Cr Hope

Seconded: Cr Deaker

CARRIED

11.4. Enforcement Action

A report detailing 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 was provided for the Committee's review. Cr Laws noted that one of the current prosecutions appeared to have been omitted from Table 8. General Manager Regulatory Peter Winder was asked to follow that up. No further discussion was held and Cr Scott asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.

Moved: Cr Woodhead
Seconded: Cr Hope
CARRIED

12. RESOLUTION TO EXCLUDE THE PUBLIC

Resolution

Moved: Cr Robertson
Seconded: Cr Hope
CARRIED

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)

Resolution

That the meeting resume in public session at 03:55 pm.

Moved: Cr Noone
Seconded: Cr Robertson
CARRIED

13. NOTICES OF MOTION

No Notices of Motion were submitted.

14. CLOSURE

There was no further discussion and Cr Scott declared the meeting closed at 03:55 pm.

Chairperson

Date



Minutes of a public excluded meeting of the Regulatory Committee held in the Council Chamber at Level 2 Philip Laing House, 144 Rattray St, Dunedin on Wednesday, 12 June 2019

Membership

Cr Doug Brown	<i>(Chairperson)</i>
Cr Andrew Noone	<i>(Deputy Chairperson)</i>
Cr Graeme Bell	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Trevor Kempton	
Cr Michael Laws	
Cr Ella Lawton	
Cr Sam Neill	
Cr Gretchen Robertson	
Cr Bryan Scott	
Cr Stephen Woodhead	

Welcome

Cr Scott welcomed Councillors and invited staff to the meeting.

1. CONFIRMATION OF MINUTES

Resolution

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

Moved: Cr Scott

Seconded: Cr Hope

CARRIED

2. MATTERS FOR NOTING

2.1. Enforcement Action - Detail

GM Regulatory Peter Winder spoke to the Enforcement Action (Detail) report. After a general discussion, Cr Scott asked for a motion.

Resolution

That the Council:

1. *Receives this report.*

Moved: Cr Hope

Seconded: Cr Noone

CARRIED

3. CLOSURE

There was no further business and Cr Scott declared the meeting closed at 03:55 pm.

Chairperson

Date

Memorandum of Understanding

Between



Otago Regional Council

and



Canterbury Regional Council

THIS MEMORANDUM OF UNDERSTANDING is made the _____ day of _____
2019

BETWEEN OTAGO REGIONAL COUNCIL a body corporate under the Local Government Act 2002 (“ORC”)

AND CANTERBURY REGIONAL COUNCIL a body corporate under the Local Government Act 2002 (“ECAN”)

Collectively referred to as the “Parties”

1 Introduction

- 1.1 The Parties are Regional Councils, responsible under the Biosecurity Act 1993 for pest management in the Otago and Canterbury regions respectively.
- 1.2 The Parties have Regional Rest Management Plans (RPMP) that detail the plans, approaches and goals for wallaby management and control in the respective regions.
- 1.3 The presence of wallabies in parts of South Canterbury and North Otago poses a risk that they could spread to other parts of each region, either naturally or by intentional release.
- 1.4 Wallabies have the potential to cause serious adverse environmental effects.
- 1.5 Other regional councils within New Zealand are also facing challenges relating to the effective control of wallaby and partnership with national initiatives is recognised.
- 1.6 The Parties have agreed on a framework to collaborate, cooperate and communicate on wallaby management and control.
- 1.7 The Parties record the terms of that framework in this Memorandum.

2 Duration

- 2.1 The duration of this Memorandum shall be from 1 August 2019 until 30 June 2025.
- 2.2 The duration of this Memorandum can be extended by the written agreement of the Parties.

3 Purpose:

- 3.1 To record how the Parties will collaborate, cooperate and communicate on wallaby management and control.

3.2 This Memorandum is a voluntary agreement and nothing in this Memorandum is legally binding.

4 Responsibilities:

4.1 The Parties agree to:

- Develop a joint work programme for wallaby control that:
 - contains the work programmes of the respective Parties within their regions;
 - ensures that work plans in each region are aligned to minimise duplication and maximise respective effort and impacts;
 - ensures that all activities that jointly impact on wallaby control within the respective RPMPs are covered;
 - identifies all work areas that can benefit from collaboration.
- Formalise the existing Joint Officer Working Group with the purpose of this group to identify and initiate workstreams to ensure:
 - the building of capability in relation to wallaby management and control of officers and community;
 - enable the timely sharing and exchange of information;
 - development and adoption of agreed data standards, analysis, interpretation and reporting.
- Work to ensure that respective data collated and held by each Party relating to wallaby management and control:
 - are consistent (i.e. same definitions etc);
 - are publicly available;
 - can be read together to show “one source of the truth” for all wallaby sightings, deaths, control activities;
 - are shared in a timely manner;
 - are subject to expert analysis and interpretation.
- Develop and agree a joint communications plan of engagement activities, awareness initiatives and key messages relating to wallaby work within both Parties, including:
 - a no surprises approach to collaboration and sharing of requests for information relating to wallaby from the media or community;
 - exploring the development of joint reporting on wallaby work;
 - coordination around the release and publication of wallaby control reports on respective programmes of work.
- Develop an agreed Research and Development Strategy that aligns resource contributions on priority areas and with national initiatives relating to wallaby management and control.

4.2 Joint reporting on the progress towards the implementation of the initiatives identified in section 4.1 will occur at 6-month intervals from signing of this agreement.

5 Relationship Principles

5.1 The Parties will be committed to implementing the initiatives identified in section 4.1.

- 5.2 The Parties will be collaborative and will treat each other with respect;
- 5.3 The Parties will conduct their interactions and/or activities with each other in a professional manner and with openness, transparency and integrity;
- 5.4 The Parties will communicate in a way that is open and effective; and
- 5.5 The Parties will address any issues that arise in a timely manner and engage in discussions to resolve any issues in good faith.

6 Key Representatives

- 6.1 Each Party nominates the person identified in the table below as its representative in respect of any discussions or actions to be carried out under this Memorandum (each a **Key Representative**):

Party	Key Representative	Email Contact Details	Mobile Phone Number
ORC	Dr Gavin Palmer General Manager Operations	gavin.palmer@orc.govt.nz	0274933960
ECAN	Nadeine Dommissie Chief Operating Officer	nadeine.dommissie@ecan.govt.nz	0275497733

- 6.2 Notice under this Memorandum must be delivered by email to a Party's Key Representative at the email address in the table at clause 6.1.

7 Publicity

- 7.1 The Parties acknowledge that this Memorandum will be a public document.
- 7.2 In relation to all information that the Parties provide and/or receive under this Memorandum, the Parties agree as follows:
- Where a Party is providing information that it believes is confidential and/or commercially sensitive, it will identify that the information is being provided on a confidential basis.
 - Where a Party is receiving information provided on a confidential basis, it will not disclose that information unless:
 - 7.2..1 the disclosure is required by law; or
 - 7.2..2 the information is already publicly available (other than through a breach of this clause); or
 - 7.2..3 the Party who provided the information has given its written consent to the disclosure.

8 Regulatory Functions

8.1 Nothing in this Memorandum affects or limits the functions, powers and duties of the Councils under any enactment.

9 Termination

9.1 Either party may terminate this Memorandum by six month's written notice.

10 Changes to Memorandum

10.1 Any changes to this Memorandum shall be in writing, agreed by the Parties and such changes shall be attached to and form part of this Memorandum.

11 General

11.1 Each Party shall bear its own costs in relation to this Memorandum and its implementation.

11.2 This Memorandum may be executed in any number of counterparts (which may be facsimile or pdf copy) all of which when taken together shall constitute one and the same document.

Signing

Signed for and on behalf of
ORC

Name
Job Title

Date

In the presence of:

Signed for and on behalf of ECAN

Name
Job Title

Date

In the presence of:

Version for Ratification

Agreed Implementation Timetable associated with the MOU between ORC and ECan

Revised 22 July 2019

Purpose: To clearly document the proposed implementation timetable associated with the responsibilities contained within the Memorandum of Understanding between ORC and ECan in relation to Wallaby management and control that was signed on XXXXXXXXX.

Responsibility	Activity	Timeframe	Lead Person	Commentary
Development of a joint work programme	Sharing of existing programmes of work	Ongoing	Brent Glentworth Richard Lord	This has been occurring through the year.
	Develop a draft joint work programme	31 October 2019	Judith Earl-Goulet	ECan have existing work programmes in place. ORC work programme updated following confirmation of RPMP and operational plan.
	Finalise joint work programme	31 February 2020	Judith Earl-Goulet	
Formalise Joint Officers working group	Schedule of meetings	Three times a year: <ul style="list-style-type: none"> • 11 October 2019 • February 2020 • June 2020 	Brent Glentworth Richard Lord	Two meetings have occurred in Feb and June 2019. Commitment made to 3 meetings a year with opportunity to review.
	Exchange of information relating to wallaby control and management to inform progress reporting and work programme updates.	Ongoing		
Analysis, interpretation and reporting	Joint expert analysis, interpretation and reporting on wallaby population distribution and trends	Annually, by 31 July	Graham Sullivan Brent Glentworth Richard Lord	To ensure a good evidence base for decision-making.

Joint Communications Plan	Develop a draft of a joint communications plan	11 October 2019	ECan Biosecurity Comms Lead ORC Biosecurity Comms Lead	There exist a range of initiatives in this area between the two councils which just need to be brought together.
	Update communication plan	Within 3 weeks of Joint Officer Working Group meeting		Utilise feedback through Joint Officer Working Group to ensure alignment in key messages, initiatives and community engagement.
	Develop and share bi-annual report on joint work programme	31 March 2020 30 September 2020	Judith Earl-Goulet	Share in March and September for subsequent years unless review or additional needs are identified and agreed.
Develop Research and Development Strategy	Share existing R&D initiatives Agreed research priorities	October 2019	Graham Sullivan Gavin Palmer	National approach to wallaby work is been progressed Work in this area is also There is work been undertaken within Bio-managers network. There is need to align this work with national initiatives.

Key people for implementation responsibilities

Otago Regional Council

- Gavin Palmer: General Manager Operations
- Richard Lord: Team Leader Biosecurity

Environment Canterbury

- Graham Sullivan: Regional Leader – Biosecurity
- Brent Glentworth: Team Leader Biosecurity
- Judith Earl-Goulet: Operation Manager - Timaru