



## REGULATORY COMMITTEE AGENDA

Thursday, 12 September 2019

1:00 p.m.

Held in the Council Chamber

Level 2 Philip Laing House, 144 Rattray Street, Dunedin

### **Membership**

Cr Bryan Scott

Cr Sam Neill

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

*(Chairperson)*

*(Deputy Chairperson)*

### **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 received prior to publication of the agenda.

## **2. LEAVE OF ABSENCE**

No leaves of absence were requested prior to publication of the agenda.

## **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 were made to speak during public form prior to publication of the agenda.

## **7. CONFIRMATION OF MINUTES**

### **Recommendation**

*That the minutes of the meeting held on 31 July 2019 be received and confirmed as a true and accurate record.*

### **Attachments**

1. Regulatory minutes 20190731 [7.1.1 - 5 pages]



Minutes of a meeting of the  
Regulatory Committee held in the Council Chamber at Council  
Chamber on Wednesday 31 July 2019, commencing at 2 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.

*For our future*

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## **1. APOLOGIES**

There were no apologies

## **2. LEAVE OF ABSENCE**

No leave of absence was requested.

## **3. ATTENDANCE**

Sarah Gardner (Chief Executive)  
Nick Donnelly (General Manager Corporate Services and CFO)  
Gavin Palmer (General Manager Operations)  
Peter Winder (Acting General Manager Regulatory)  
Amanda Vercoe (Executive Advisor)  
Liz Spector (Committee Secretary)  
Richard Lord (Team Leader Biosecurity and Biodiversity)

## **4. CONFIRMATION OF AGENDA**

The agenda was confirmed as published.

## **5. CONFLICT OF INTEREST**

No conflicts of interest were advised.

## **6. PUBLIC FORUM**

No requests from members of the public to speak to the Committee were received.

## **7. PRESENTATIONS**

No presentations were held.

## **8. CONFIRMATION OF MINUTES**

### **8.1. Minutes of the 12 June 2019 Regulatory Committee Meeting Resolution**

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

Moved: Cr Neill  
Seconded: Cr Noone  
CARRIED

### **8.2. Minutes of the 12 June 2019 Public-excluded Regulatory Committee Meeting Resolution**

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

Moved: Cr Neill  
Seconded: Cr Noone  
CARRIED

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Regulatory Committee 20190731 minutes

## 9. ACTIONS

### Status report on the resolutions of the Regulatory Committee

<b>11.3</b> Managing the use of coal for domestic heating in Otago and New Zealand ( <b>Technical Committee</b> )	31/1/2018	That the matter of the ability to enforce the current Regional Air Plan AirZone 1 provisions be considered by the Regulatory Committee	IN PROCESS
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 <b>and</b> provide an update on the success of the wallaby control programme.	COMPLETE – Dr Palmer updated Committee on progress on 31/7/19

## 10. MATTERS FOR COUNCIL DECISION

### 10.1. Memorandum of Understanding with Environment Canterbury on Wallaby Control

The report was provided for the Councillors to consider and endorse a framework whereby the Otago Regional Council (ORC) and Environment Canterbury (ECan) will collaborate on wallaby management and control. A draft Memorandum of Understanding between the two entities was provided for consideration. The General Manager Operations, Dr Gavin Palmer, and the Team Leader Biosecurity and Biodiversity, Richard Lord, were present to speak to the report and answer questions.

Councillor Scott stated he was concerned the agreement had not yet been finalised and the delay was impacting the control of wallabies in Otago. Cr Bell suggested the ORC should request financial assistance from the Ministry of Primary Industries or the Ministry of the Environment to help stop further encroachment of the wallabies. Cr Woodhead said government assistance had been sought in February as part of a budget request, though no support was offered. He said the best course of action is to work with Environment Canterbury and urged staff to continue working on the collaboration.

After further discussion, Councillor Scott asked for a motion.

#### Resolution

*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.

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Regulatory Committee 20190731 minutes

- 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.

Moved: Cr Woodhead  
Seconded: Cr Noone  
CARRIED

## 11. MATTERS FOR NOTING

### 11.1. General Manager's Report on Progress

The General Manager's Report on progress was provided to update the committee members on regulatory activity undertaken during the period 13 April to 29 May 2019. The Acting General Manager Regulatory, Peter Winder, was present to speak to the report and answer questions. A discussion was held about the recent reports of excessive smoke from rural burn offs in Central Otago. Mr Winder said it was important to recognise that open burning in rural areas is permitted under the current air plan, provided the burning does not include material from beyond the property, does not include prohibited materials and does not produce smoke which is offensive or objectionable beyond the property boundary. He said the recent burn offs were monitored by Fire and Emergency NZ (FENZ) who declined requests from ORC staff to stop the specific burn off. Councillor Woodhead suggested ORC put out communications reminding those who choose to burn how this may affect air quality.

After a general discussion, Cr Scott asked for a motion.

#### Resolution

*That the Council:*

- 1) **Receives** this report.

Moved: Cr Woodhead  
Seconded: Cr Neill  
CARRIED

### 11.2. Consents and Building Control

The purpose of this report is to summarise regulatory activity by the Consents Team and to give the committee members a high-level overview of the consents and building control activity and the deemed permit replacement progress for the period 20 May 2019 to 5 July 2019. The Acting General Manager Regulatory, Peter Winder, was present to speak to the report and answer questions. After a general discussion, Councillor Scott asked for a motion.

#### Resolution

*That the Committee:*

- 1) **Receives** this report.

Moved: Cr Woodhead  
Seconded: Cr Kempton  
CARRIED

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Regulatory Committee 20190731 minutes

### **11.3. Enforcement Activity**

This report detailed 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. The Acting General Manager, Peter Winder, was present to speak to the report and answer any questions. After a general discussion, Cr Scott asked for a motion.

### **Resolution**

*That the Council:*

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

Moved: Cr Neill

Seconded: Cr Bell

CARRIED

### **12. NOTICES OF MOTION**

No Notices of Motion were advised.

### **13. CLOSURE**

The meeting was declared closed at 03:58 pm.

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Chairperson

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Date



## 8. ACTIONS

### Status report on the resolutions of the Regulatory Committee

<b>11.3</b> Managing the use of coal for domestic heating in Otago and New Zealand <b>(Technical Committee)</b>	31/1/2018	That the matter of the ability to enforce the current Regional Air Plan AirZone 1 provisions be considered by the Regulatory Committee	IN PROCESS
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 <b>and</b> provide an update on the success of the wallaby control programme.	IN PROGRESS – Dr Palmer updated Committee on progress on 31/7/19

## 9. MATTERS FOR NOTING

## 9.1. General Manager's Report on Progress

**Prepared for:** Regulatory Committee  
**Report No.** GOV1851  
**Activity:** Governance Report  
**Endorsed by:** Peter Winder, Acting General Manager Regulatory  
**Date:** 30 August 2019

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### PURPOSE

- [1.] To update the Committee on regulatory activity undertaken during the period 20 July to 30 August 2019

### STAFF RECOMMENDATION

*That the Council:*

- 1) Receives this report.**

### COMPLIANCE

#### Consent Inspection Audits

- [2.] New compliance staff are coming up to speed with consent auditing. Over the past 3 months the focus has been on auditing permits associated with medium and large scale (TA) wastewater treatment plants and discharge of domestic wastewater. 29 audits were conducted over this reporting period. Issues identified include ongoing low levels of non-compliance with discharge quality from most of the TA discharge permits audited. In the Outram area (a groundwater protection zone), a number of expired discharge permits were identified as still requiring consent, however no applications for replacements have been received by the ORC. Compliance are following up with these landowners.

#### Forestry

- [3.] The number of notifications of forestry activities has slowed due to a drop-in log price. Seven site inspections including three re-inspections were conducted over this reporting period. Five sites were assessed as being fully compliant, with two being low risk non-compliant due to not notifying of all forestry activities taking place, a requirement under the NES-PF.

#### Dairy

- [4.] No dairy inspections have been undertaken during this reporting period. Dairy inspections are due to start again in September. Priority will be given to properties identified as having a high risk of non-compliance. Properties that meet one or more of the following criteria will be inspected first:
- Those in a catchment with poor or declining water quality
  - Those that have insufficient effluent storage (for the volume of effluent generated)
  - Those that use travelling irrigators (or similar high-rate application systems)
  - Those that have inadequate fail-safe systems

### **Contaminated Sites**

[5.] There has been limited contaminated sites activity over this reporting period. Recruitment for a new contaminated sites FTE has been successful with the new staff member due to start in October. A consultant has been engaged to work on an as required basis for the more technical reviews and investigations, and compliance staff continue to respond to general HAIL enquires. Over this reporting period the ORC received 90 enquires relating to land use and site contamination.

### **Compliance Improvement Plan and Actions**

[6.] 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.

[7.] 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**

[8.] New 5 knot marker buoys have been placed at Vauxhall, MacAndrew Bay, Taieri Mouth and Owaka along with updated maritime signage has also been placed in all these locations.

[9.] Harbourmaster has carried out Liaison meetings with Contact Energy (Clyde Dam), QLDC Harbourmaster, Otago Rowing Association and Jet Boat NZ during this period.

[10.] Kaitiaki is now fully certified into MOSS through Maritime New Zealand.

[11.] We are expecting the full TAIC report on the grounding of the Leda Maersk in Otago Harbour to be made public in the not too distant future.

#### **Harbourmaster General**

[12.] Harbourmaster has given two presentations during this period, one at the Portobello Community Board and the other to the Dunedin Search and Rescue group at their AGM.

[13.] Meeting held with MNZ Oil Spill team on the 5<sup>th</sup> August. We have uplifted the budget for 19/20 in both the storage area and the operations area, this now sits better with what we do. The Oil Spill plan will be updated and submitted to Maritime New Zealand during this period.

- [14.] Provided Kaitiaki to the Invercargill Boat Show for Maritime New Zealand. This was a good joint link up and good opportunity to promote the boat and ORC navigational bylaws whilst supporting the water safety message that MNZ put out.
- [15.] The Oil Spill response equipment has been moved from the Taieri Depot to Halsey Street and is fully in place at that location. The equipment has been audited and checked by ORC staff and both storage and loading plans have been produced.
- [16.] The Harbourmaster met with OMV to discuss the Great South Basin Well control and Oil Spill contingency planning, in Balclutha on the 26<sup>th</sup> August. The Southland Harbourmaster was also in attendance.
- [17.] The new Golf Pontoon venture will be placed in the harbour near Vauxhall week commencing 26<sup>th</sup> August.

#### **Harbourmaster Function for Central Otago**

- [18.] Since 2006 CODC has exercised ORC's harbourmaster functions over a defined geographical area. At its meeting on 14 August Central Otago District Council (CODC) considered the attached item relating to the potential transfer back to ORC of harbourmaster functions, duties and powers. It is understood that CODC resolved to initiate consultation with the ORC with the objective of transferring back harbourmaster functions. At the time of writing this Agenda item formal notification of CODC's resolutions has not been received.
- [19.] The Deed of Transfer of harbourmaster functions is attached to the CODC Agenda item.
- [20.] The Deed of Transfer sets out an obligation for CODC to consult ORC if they wish to end the transfer arrangement. In addition to that requirement, the Maritime Transport Act sets out a number of steps, including the need to consult with the Minister of Transport. For a seamless transfer to take place ORC would also need to extend the Navigation and Safety Bylaw to cover the area currently administered by CODC.
- [21.] Officers will prepare a full report that addresses the issues, options and processes that must be considered and resolved in order to respond to the CODC.

### **CONSIDERATIONS**

#### **Policy Considerations**

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

#### **Financial Considerations**

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

#### **Significance and Engagement**

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

**Legislative Considerations**

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

**Risk Considerations**

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

**ATTACHMENTS**

1. Harbourmaster Deed of Transfer [9.1.1 - 8 pages]



**Council  
14 August 2019**

**Report for Decision**

**Harbourmaster - Deed of Transfer (Doc ID 386315)**

**Purpose of Report**

To relinquish the transfer of powers regarding the harbourmaster functions, duties and powers back to the Otago Regional Council.

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**Recommendations**

- A. **Recommended** that the report be received and the level of significance accepted.
- B. **Agree** that Council wish to relinquish the Deed of Transfer (dated 16 June 2006) back to Otago Regional Council.
- C. **Agree** to delegate the operational function to relinquish the Deed of Transfer to the Chief Executive and to update Council on its progress.
- 

**Background**

A harbourmaster's responsibilities, functions, duties and powers are a Regional Council function as specified in the Maritime Transport Act 1994.

On 16 June 2006, the Central Otago District Council (the Council) and the Otago Regional Council agreed to transfer the harbourmasters' activities regarding our navigable lakes and tributaries to the Council. Since the transfer of responsibility, the Council has serviced the cost of these functions through rates.

The Deed of Transfer (the Deed) enabled the Council to address any local concerns regarding our waterways through education, which could not be serviced previously by the Otago Regional Council.

This report is to recommend that the Council relinquish this function back to the Otago Regional Council.

**Options Considered**

Option 1 – Maintain Status Quo

To maintain the current Deed, which provides Council with the harbourmaster function responsibilities, unless relinquished.

**Advantages:**

- Provides a local community response during the summer season

Report author: Regulatory Services Manager

- Enables the Council to control the activities.

Disadvantages:

- Incurs a cost to our ratepayers
- Removes accountability from the Otago Regional Council.

Option 2 – Relinquish the Deed of Transfer (Recommended)

To seek to relinquish the Deed back to the Otago Regional Council, to require them to provide and undertake the harbourmaster functions and duties.

Advantages:

- Reduces the cost to ratepayers
- Provides accountability of the Otago Regional Council regarding the harbourmaster functions
- Enables consistency for the Otago Regional Council in the application of education and enforcement across the region.

Disadvantages:

- Some may believe this will lead to a reduction in the local service
- Removes the ability for the Council to control these activities.

**Discussion**

There has been an agreement between the Council and Otago Regional Council regarding the harbourmaster activities for a number of years. The most recent of these is from 16 June 2006 and remains in place in perpetuity unless relinquished by the Council or revoked by the Otago Regional Council.

The agreement has worked well for a number of years in enabling the Council to provide a service to assist in the protection of our community on our waterways.

Currently, the Council harbourmaster is the Chief Executive, with an education/enforcement officer contracted over the summer season (in particular over Labour weekend, Christmas/New year and Easter) to educate the community regarding maritime safety.

The Otago Regional Council now have a functioning harbourmasters department, which has not been the case for many years. The establishment of this department gives the Otago Regional Council a better view of what is required in regard to navigational safety throughout its region.

Having established a new set of navigational bylaws for the Otago region, the Otago Regional Council's aim is to gain consistency across regions and to educate users of the waterway of those bylaws.

The Otago Regional Council are able to provide two full time resources with a greater understanding of our community needs than was previously available. They also have the additional ability to have a presence on the water due to their recent acquisition of a suitable vessel.

Report author: Regulatory Services Manager

In relinquishing the Deed, all navigational aids, buoys, marks and signage on the water would be the responsibility of the Otago Regional Council. All public boat ramps, pontoons and gangways would be the responsibility of Land Information New Zealand. The responsibility of swimming pontoons would be discussed with Land Information New Zealand and the Otago Regional Council during the process.

The relinquishing of the Deed to the Otago Regional Council would ensure education and enforcement of the waterways would continue, but by the Otago Regional Council as opposed to the Council. This is considered to be more beneficial to our community, as the Otago Regional Council have an established infringements systems to enable enforcement where necessary. This would also reduce the costs to our community, whilst maintaining waterways safety.

It is proposed that any relinquishing of the Deed should be implemented for the coming summer season. The discussions regarding this would also consider our Lake Dunstan Navigation Safety Bylaws 2017 to determine whether this should remain or whether the necessary controls are covered under the Otago Regional Council's bylaw, to prevent duplication.

If the Lake Dunstan Navigation Safety Bylaws 2017 is determined to be superfluous, a further report will be provided to Council for consideration in due course.

#### **Risk Analysis**

The principal risk to our community is not having a harbourmaster available when necessary, to educate, enforce and assist our community regarding waterways safety.

This has been discussed with the Otago Regional Council Harbourmaster who, as part of the process, will consider the needs of our community at the times of year it is most necessary to ensure we have the level of service necessary in our community.

#### **Financial Implications**

Currently there is a budget of \$28,000 for the harbourmaster activities and \$5,500 for signage and buoys within Council for the current financial year.

#### **Local Government Act 2002 Purpose Provisions**

The purpose of the Local Government Act 2002 includes the provision of local authorities to play a broad role in meeting the current and future needs of their communities in the performance of regulatory functions.

The collaboration with the Otago Regional Council and the relinquishing of the Deed assists in meeting the needs of the community for a safer and healthier environment, in the most efficient, consistent and appropriate manner available.

#### **Council Policies / Plans / Procedures**

The following Council Policies were considered:

- Council's 10 Year Plan 2018 – 2028, specifically regarding our community outcomes to provide a 'safe and healthy community'

Report author: Regulatory Services Manager



- Significance and Engagement Policy – in determining that the level of significance is low
- Lake Dunstan Navigation Safety Bylaws 2017 – in considering the need of this bylaw if the Deed is relinquished, as the Otago Regional Council have a navigation Safety Bylaw that would be applicable.

### **Proposal**

As a result of the Otago Regional Council having a functioning harbourmasters department, which provides the ability to undertake the Navigational Safety functions, it is proposed that the Council formally advise the Otago Regional Council of its desire to relinquish the Deed.

As part of this process, all navigational aids, buoys, marks and signage on the water would become the responsibility of the Otago Regional Council to install, maintain and remove as necessary.

### **Implementation Plan**

A formal request would be sent from the Central Otago District Council Chief Executive, to the Otago Regional Council, requesting to relinquish the Deed.

Following this, there would be an operational discussion between both parties of the mechanisms to enable this in the most effective and efficient manner.

Council would be kept informed of the progress through the Chief Executive's council report.

### **Consultation and Engagement**

An informal discussion has been held with the Otago Regional Council Harbourmaster about the potential to relinquish the Deed.

Council officers from both parties would continue to work closely together to enable this request, and to educate on any changes the community need to understand for the coming summer season.

### **Communication**

No direct media is proposed until the Deed is relinquished, after which education of the community would be jointly undertaken.

### **Attachments**

#### **Appendix 1 – Deed of Transfer**

Report author:



Lee Webster  
Regulatory Services Manager  
29/07/2019

Reviewed and authorised by:



Louise van der Voort  
Executive Manager - Planning and Environment  
29/07/2019

Report author: Regulatory Services Manager

Dated 16 June 2006

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**OTAGO REGIONAL COUNCIL**  
**and**  
**CENTRAL OTAGO DISTRICT COUNCIL**

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**DEED OF TRANSFER OF RESPONSIBILITIES,  
FUNCTIONS, DUTIES AND POWERS**  
**NAVIGATION AND ASSOCIATED MATTERS  
ON WATERWAYS**

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THIS DEED MADE THIS *16<sup>th</sup>* day of *June* ..... 2006.

**PARTIES:**

(1) The Otago Regional Council being a Regional Council as detailed in Schedule 2 Part 1 of the Local Government Act 2002 and as constituted by the Local Government (Otago Region) Reorganisation Order 1989 (the "ORC");

and

(2) The Central Otago District Council, being a Territorial Authority as detailed in Schedule 2 Part 2 of the Local Government Act 2002 constituted by the Local Government (Otago Region) Reorganisation Order 1989 (the "CODC");

**WHEREAS:**

(a) The "ORC" is the Regional Council for the Otago Region pursuant to the provisions of the Local Government Act 2002 and the Local Government (Otago Region) Reorganisation Order 1989.

(b) The "CODC" is the Territorial Authority for the Central Otago District pursuant to the provisions of the Local Government (Otago Region) Reorganisation Order 1989.

(c) The Otago Region under the Local Government (Otago Region) Reorganisation Order 1989 includes all of the district of the "CODC".

(d) That pursuant to the provisions of Part 39A (Navigation) of the Local Government Act 1974, the "ORC" has, in relation to the navigable rivers and lakes within the district of the "CODC", powers, functions, duties and responsibilities for the purposes of ensuring navigation safety, the appointment of Harbourmasters and Enforcement Officers, and under Sections 684B-684F of the Local Government Act 1974 the powers to make bylaws in respect of navigation and related activities.

(e) Section 650J of the Local Government Act 1974 enables a Regional Council to transfer to a Territorial Authority any of its functions, duties and powers under Part 39A of the Local Government Act 1974. Section 17 of the Local Government Act 2002 applies to such transfers as they relate to the power to make bylaws.

(f) The "ORC" has agreed with the "CODC" to transfer to the "CODC" all of its various functions, powers, duties and responsibilities under Part 39A of the Local Government Act 1974 in relation to all the waters of the Clutha River and tributaries that form the lake known as Lake Dunstan and being located upstream of the Clyde Dam ("Lake Dunstan").

- (g) The "ORC" has further agreed with the "CODC" to transfer to the "CODC" its bylaw-making function in relation to navigation or related activities on all the waters of the Clutha River and tributaries that form the lake known as Lake Dunstan and being located upstream of the Clyde Dam ("Lake Dunstan").
- (h) That in accordance with the provisions of Section 17(4)(a) and (b), the "ORC" has used the special consultative procedure as detailed in Section 83 of the Local Government Act 2002 (Section 17(4)(a)(ii)) and has given prior notice of the proposal to the Minister of Local Government of the proposal (Section 17(4)(b) of the Local Government Act 2002).

**NOW THIS DEED RECORDS:**

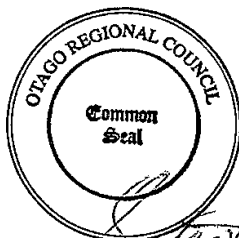
- (1) The "ORC" pursuant to Section 650J of the Local Government Act 1974 and Section 17(1) and (4)(a) of the Local Government Act 2002, transfers to the "CODC" all functions, powers and duties that it has under Part 39A of the Local Government Act 1974 in respect of all the waters of the Clutha River and tributaries that form the lake known as Lake Dunstan and being located upstream of the Clyde Dam ("Lake Dunstan").
- (2) The "ORC" transfers, pursuant to Section 17(1) and 17(4)(a) of the Local Government Act 2002 to the "CODC" all of its bylaw-making powers under Sections 684B-684F of the Local Government Act 1974 relating to navigation and related activities, on all the waters of the Clutha River and tributaries that form the lake known as Lake Dunstan and being located upstream of the Clyde Dam ("Lake Dunstan").
- (3) The "CODC" accepts the transfer of powers and responsibilities pursuant to the provisions of Clauses 1 and 2.
- (4) The transfer is on the terms and conditions as detailed in this deed and is subject to the provisions both of the Local Government Act 1974 (Part 39A and Sections 684B-684F) and the Local Government Act 2002 and any other enactment.
- (5) The "CODC" shall have all the functions, powers and duties as vested in the "ORC" pursuant to the provisions of the Local Government Act 1974 and the Local Government Act 2002 and of a Territorial Authority under any other enactment to enable the "CODC" to recover all costs incurred by it in carrying out the functions, duties and powers transferred under this Deed.
- (6) The "CODC" shall have no right to call upon the "ORC" for any contribution to costs incurred by it in carrying out the functions, powers and duties transferred to it under this Deed.
- (7) The "CODC" shall report to the "ORC" at six-monthly intervals on the exercise of any of the functions, powers and duties as transferred under this Deed.



- (8) The "ORC" at any other time may request from the "CODC" any other such information or reports in relation to matters involving the navigation functions transferred hereunder as the "ORC" may reasonably require as to the exercise of the functions, powers and duties transferred herein.
- (9) If there is a requirement for any variation of the terms of this Deed or where the "CODC" may require or wish to initiate a reversal of the transfer of powers as detailed herein, the "CODC" shall first consult the "ORC" and the provisions of Section 17(6) of the Local Government Act 2002 shall apply.
- (10) If the "ORC" should at any time wish to revoke the transfer of powers, then the "ORC" shall first consult with the "CODC" and any such revocation shall follow the provisions of Part 39A of the Local Government Act 1974 and Section 17 of the Local Government Act 2002.
- (11) Unless so relinquished by the "CODC" or revoked by the "ORC" in the terms as stated herein, this Deed and the transfers of powers made pursuant to it shall remain in full force and effect.

This Deed was executed on the date appearing at the head of this Deed.

The Common Seal of the  
Otago Regional Council  
was affixed in the presence of:



Chairman:

*[Handwritten signature]*

Director of Corporate Services:

*[Handwritten signature]*

The Common Seal of the  
Central Otago District Council  
was affixed in the presence of:



Mayor:

*[Handwritten signature]*

Chief Executive Officer:

*[Handwritten signature]*

## 9.2. Consents and Building Control

<b>Prepared for:</b>	Regulatory Committee
<b>Report No.</b>	PPRM1901
<b>Activity:</b>	Governance Report
<b>Author:</b>	Joanna Gilroy, Manager Consents
<b>Endorsed by:</b>	Peter Winder, Acting General Manager Regulatory
<b>Date:</b>	30 August 2019

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### 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 5<sup>th</sup> July 2019 to 15<sup>th</sup> August 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 Clutha District Council to discharge treated sewage from the Waihola treatment plant for a period of 35 years. Sewage is conveyed to a treatment plant and into an oxidation pond and wetland. It is then discharged to the Lake Waihola overflow channel during the latter half of the incoming tide and the initial half of the outgoing tide. This is an existing activity, but the application is for an increased scale of discharge. This application was publicly notified because the effects are more than minor. Submissions close on the 13<sup>th</sup> of September 2019.

[3] 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

[4] 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. Six applications were limited notified during this period, this is an increase

from three in the previous period. If submissions are received, hearings may need to be held for these applications.

## **OBJECTIONS**

- [5] One objection to decisions, or consent conditions was received in the reporting period.
- [6] This objection was to the duration of a water permit to take groundwater. This objection will go to the Objections Committee as the Objector is not satisfied with the staff recommendation that the term should not be changed. A date is yet to be set for this hearing.
- [7] 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. It is anticipated that three of these objections will be heard by the Objections Committee in the coming weeks.
- [8] Additional information about the average costs of consent applications is now available on Council's website. This is for the costs of consents in the 18/19 financial year.

## **APPEALS**

### **RM17.084 - Kyeburn Catchment Limited**

- [9] The Keyburn appeal is still waiting on a decision from the court. There is no timeline for this decision. 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.
- [10] 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.

## **CONSENT STATISTICS**

- [11] For the reporting period, all 45 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.
- [12] 21 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. This practice is not required by legislation but is best practice. Two decisions were made outside of the processing timeframes.
- [13] For the calendar year to date all but five decisions on consents were given within the Act mandated timeframes.
- [14] The current number of consent applications in the system for processing is 182. This is a large increase from 154 in the previous reporting period. With this number of consents in the system staff workloads have increased but remain manageable.

- [15] The number of applications lodged during this reporting period is 70, which is much higher than the 50 lodged in the previous reporting period. A breakdown of the activity types of these new applications is shown in Appendix 1.
- [16] The median number of consents lodged per week for during this reporting period is 11.6.

#### **DEEMED PERMIT REPLACEMENT**

- [17] During the reporting period one application to replace 22 deemed permits was received. No deemed permits were surrendered, cancelled or expired during this reporting period. Overall, sixteen applications for 21 consents are in the system, replacing a total of 100 deemed permits.
- [18] In this reporting period staff did not attend any site visits for deemed permit replacement applications. However, they did attend three pre-application meetings for applications that are being prepared and will be lodged soon.
- [19] The breakdown of deemed permits per catchment are set out in Appendix 2 to this report.

#### **CONSENT ADMINISTRATION**

- [20] 12 transfers (to transfer ownership of a resource consent) were received, with 5 issued during this reporting period. This is less than the number received in the previous reporting period.
- [21] The summary of consents administration statistics is set out in Appendix 3 to this report.

#### **BUILDING CONSENT AUTHORITY (BCA) ADMINISTRATION**

- [22] 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.
- [23] Council's annual internal audit of Building Control functions occurred during the last 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.
- [24] Any audit is beneficial as it can help to identify areas for process improvement and ways to increase efficiency. As a result of this audit work has been undertaken by staff to update procedures to ensure they are consistent with the Building Act and streamline internal procedures.
- [25] IANZ will be undertaking a special audit of Council's Building Consent Functions in September. This audit is only focused on matters identified in their last audit. A full audit will be undertaken by IANZ in April next year.
- [26] The summary of BCA statistics is set out in Appendix 4 to this report.



## **PUBLIC ENQUIRIES**

- [27] 180 enquiries were received during this reporting period. This is a reduction from 200 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.
- [28] A Council wide project team has been set up and is making progress towards getting consents and reports available online via the Otago Maps system. This should help to reduce requests for copies of consents and increase levels of self-service. The project team met this month and is making steady progress to getting this project completed by the end of the year.

## **REVIEW OF COUNCIL'S RESOURCE CONSENTING FUNCTION**

- [29] Since the completion of the Consents Function Review, work has started on implementing 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 Team Leader has started in the Alex office.
  - Recruitment will start for a new Senior Officer and a Consents Officer (both existing positions).
  - A new role has been created to process Bylaw applications to help meet timeframes and work on other technical consent applications.
  - The Dunedin based Team Leader position will be re-advertised as recruitment was unsuccessful.
- 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
- A draft Consents and Compliance Strategy has been developed, with the implementation of this starting in September when the new General Manager of Regulatory Services starts.
- The first of a series of meetings with resource management consultants was held. This meeting was focused on deemed permits, but the aim is to hold these regularly to discuss other matters relating to consent applications. It is likely that the next meeting will be held in September/October.
- With the new Consents Systems and Administration Manager in place discussions have started about how any changes relating to the use of Accela can be implemented.
- Regular meetings with the Compliance Manager and the Consents Systems and Administration Manager have been set up. This is to ensure that workloads are managed and to identify any cross team work that needs to be completed.
- Work has started on forecasting future workloads. This is by talking to parties about when large consent applications are likely to come in. These applications include those from local authorities and industries.

- [30] Addressing the recommendations from the review of the consenting function is a high priority. The focus of the next reporting period is to determine which actions will be implemented next. These are likely to be those that require changes to computer

systems, procedures and will be more time-consuming than the immediate changes which have been made already.

## **CONSIDERATIONS**

### **Policy Considerations**

[31] There are no policy considerations.

### **Financial Considerations**

[32] There is budget in the 2019/20 Annual plan for the Consent Department Functions.

[33] For the reporting period 38.4% of staff time was cost recoverable. This is less than the previous reporting period.

[34] Chargeable time is down as a new staff member has come on board meaning that they have minimal chargeable time as they are training, that the team member training them has less chargeable time and staff have also been away on leave. It is anticipated that the chargeable time will increase in the next reporting period.

[35] So far for the 19/20 financial year (1 July 2019-30 June 2020) 38.6 % of staff time was been cost recoverable.

[36] Work has started on being able to better account for and report on non-cost recoverable time. This system will start to be used when the new Council wide time recording system is operational in September.

### **Significance and Engagement**

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

### **Legislative Considerations**

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

## **NEXT STEPS**

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

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

## Appendix 1: Consents Statistics

**Table 1: Consents Statistics Summary 5/7/2019 to 15/8/2019**

Reporting Period	Lodged			Rejected	Decision Given		
	Consents	Variations			Consents	Variations	
		Regular	Water reporting date*			Regular	Water reporting date*
5/7/2019 to 15/8/2019	50	5	0	2	53	3	0
<b>19/20 YTD</b>	<b>70</b>	<b>9</b>	<b>0</b>	<b>12</b>	<b>45</b>	<b>7</b>	<b>0</b>

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

## 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
5/7/2019 to 15/8/2019	13	8	0	3
<b>19/20 YTD</b>	<b>20</b>	<b>10</b>	<b>3</b>	<b>0</b>

### 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
5/7/2019 to 15/8/2019	0	0	0	0	0	0
<b>19/20 YTD</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Appendix 5: Public Enquiries

**Table 5: Public Enquiries Statistics**

Period	Number of Enquiries
<b>18/19</b>	<b>2,059</b>
5/7/2019 to 15/8/2019	180
<b>19/20 YTD</b>	<b>205</b>

**Table 6: Resource Consent Public Enquiries Report for Period 5/7/2019 to 15/8/2019**

Enquiry Location	Total No.	% of Total
CODC	54	30
CDC	14	7.8
DCC	25	13.9
QLDC	43	23.8
WDC	23	12.8
Throughout	7	3.9
Unspecified	14	7.8

Type of Enquiry	Total No.	% of Total
Current Consents	66	36.7
Other	18	10
Permitted Activity	30	16.7
Pre-App	35	19.4
Property	26	14.4
Mining	5	2.8
Transfers	0	0

Method of enquiry	Total No.	% of Total
counter	3	1.7
email	125	69.4
Internet	3	1.7
letter	0	0
telephone	49	27.2

#### **Appendix 6 – Consents Function Review Recommendations Completed or underway**

- 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.
- 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.
- Direct dial phone numbers have been added to correspondence about who the processing officer for an application is.
- Several recruitment decisions have been made:
  - a. A Senior Consents Officer started in the Alexandra Office on the 29<sup>th</sup> of July
  - b. A new Consents Officer has started in the Dunedin office.
  - c. The Team Leader position for Dunedin remains vacant.
- 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



### 9.3. Enforcement Action

**Prepared for:** Regulatory Committee

**Report No.** EMO1868

**Activity:** Environmental – Investigations and Enforcement Action

**Author:** Peter Kelliher, Legal Counsel

**Endorsed by:** Peter Winder, Acting General Manager Regulatory

**Date:** 23 August 2019

#### PURPOSE

[1] This report details Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council during the period 1 July 2019 to 23 August 2019.

#### RECOMMENDATION

*That the Council:*

1) *Receives this report.*

#### RESOURCE MANAGEMENT ACT 1991

[2] Resource Consents

Table 1 – Infringement Notices

Details	Period – 1 July 2019 to 23 August 2019	Total – from 1 July 2019	Complaints Received <sup>1</sup>
Discharge of contaminants to land in a manner where it may enter water - sediment	3	3	4
Disturbing the bed of a river – pugging	1	1	1
TOTAL	4	4	5

Table 2. Abatement Notices

Details	Period – 1 July 2019 to 23	Total – from 1 July 2019	Complaints Received
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<sup>1</sup> Number of complaints received by Council for the matters that have been subject to enforcement action.

	August 2019		
To cease the disturbance of the bed of a river in breach of a regional rule - pugging	1	1	1
To cease discharging contaminants in breach of a regional rule - sediment	2	2	3
To take the following action: - remove the source of petrol contamination; - remove any petrol discharged and contaminated ground material which is entering groundwater and water in the coastal marine area; -install appropriate warning signage; and -undertake further investigation to determine the extent of contamination.	1	1	2
<b>TOTAL</b>	<b>4</b>	<b>4</b>	<b>6</b>

### INFRINGEMENT FEES

- [3] 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.

From 1 July 2019, Council has issued 4 infringement notices totalling \$2,750 in infringement fees.

### CURRENT PROSECUTIONS

- [4] Table 3. Current Prosecutions

Matter	Next Appearance
Maruia Mining Limited and Alan Roberts	Defended hearing - commencing 26 August 2019

### CONSIDERATIONS

#### Policy Considerations

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

#### Financial Considerations

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

## Significance and Engagement

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

## Legislative Considerations

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

## ATTACHMENTS

Nil

## 10. 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**:

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

- **EMO1869 Enforcement Action – Detail**

### 10.99. PUBLIC EXCLUDED POSTAMBLE

Meeting Item	Grounds for excluding the public
1.1 EMO1869 Enforcement Action – Detail	Good reason for withholding official information exists, for the purpose of <a href="#">section 5</a> , 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.

## 11. CLOSURE