

## Regional Leadership Committee 28 August 2024

Meeting will be held in the ORC Council Chamber, Level 2, Philip Laing House, 144 Rattray Street, Dunedin.

[ORC Official YouTube Livestream](#)



### Members:

Cr Michael Laws (Co-Chair)  
Cr Bryan Scott (Co-Chair)  
Cr Elliot Weir (Co-Chair)  
Cr Alexa Forbes  
Cr Gary Kelliher  
Mr Hoani Langsbury  
Cr Lloyd McCall  
Cr Kevin Malcolm  
Cr Tim Mepham  
Cr Andrew Noone  
Cr Gretchen Robertson  
Cr Alan Somerville  
Cr Kate Wilson

Senior Officer: Richard Saunders, Chief Executive  
Meeting Support: Kylie Darragh, Governance Support Officer

28 August 2024 10:00 AM

### Agenda Topic

### Page

1. WELCOME

2. APOLOGIES

No apologies received at the time of agenda publication.

3. PUBLIC FORUM

No requests were received to speak at Public Forum.

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. DECLARATION OF INTERESTS

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. [ORC Councillor interests are published on the website.](#)

6. PRESENTATIONS

No requests for presentations were received at time of agenda publication.

7.	CONFIRMATION OF MINUTES	3
	That the minutes of the Regional Leadership Committee meeting held on 22 May 2024 be received and confirmed as a true and accurate record.	
7.1	<a href="#">Minutes of the 22 May 2024 meeting</a>	3
8.	OPEN ACTIONS FROM RESOLUTIONS OF THE COMMITTEE	
	There were no open actions from resolutions of the Committee to be noted.	
9.	MATTERS FOR CONSIDERATION	6
9.1	<a href="#">Environmental Delivery Group Regulatory Activities Quarterly Update</a>	6
	To update the Committee on the activities of the Regulatory teams between 1 July 2023 and 30 June 2024.	
9.1.1	<a href="#">Attachment 1: Regulatory Report 1 July 2023 to 30 June 2024</a>	16
9.2	<a href="#">Consent Fee Fund</a>	33
	The purpose of the report is to update the Committee on the activities that have been funded under the Consents Fee Support Fund from 1 July 2023 to 31 June 2024 and make recommendations for minor corrections to the policy.	
9.2.1	<a href="#">Financial Support for Resource Consent Processing Fees Environment</a>	37
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9.3	<a href="#">Flood Drainage Schemes Liaison Group</a>	47
	To seek endorsement of a proposed draft terms of reference and approach to establish Flood and Drainage Scheme Liaison Groups.	
9.3.1	<a href="#">Draft Terms of Reference Lower Taieri Liaison Group Flood Protection &amp; Drainage Schemes</a>	57
10.	CLOSURE	



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## Regional Leadership Committee MINUTES

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**Minutes of an ordinary meeting of the Regional Leadership Committee held in the Council Chamber, Level 2 Philip Laing House, 144 Rattray Street, Dunedin on Wednesday 22 May 2024, commencing at 10:00 AM.**

**PRESENT**

Cr Bryan Scott (Chairperson)  
Cr Elliot Weir  
Cr Michael Laws (online)  
Cr Alexa Forbes (online)  
Cr Gary Kelliher  
Mr Hoani Langsbury (online)  
Cr Kevin Malcolm  
Cr Lloyd McCall (online)  
Cr Tim Mephram  
Cr Andrew Noone  
Cr Gretchen Robertson  
Cr Alan Somerville  
Cr Kate Wilson

## 1. WELCOME

Chairperson Scott welcomed Councillors, members of the public and staff to the meeting at 10:00 am. Staff present included Richard Saunders (Chief Executive), Nick Donnelly (GM Corporate Services and CFO) (online), Joanna Gilroy (Acting GM Regulatory), Tami Sargeant (Manager Compliance), Simon Wilson (Manager Regulatory Data and Systems), Steve Rushbrook (Harbourmaster) and Trudi McLaren (Governance Support)

## 2. APOLOGIES

No apologies were received.

## 3. PUBLIC FORUM

No requests to speak at Public Forum were received.

## 4. CONFIRMATION OF AGENDA

**Resolution: Cr Wilson Moved, Cr Weir Seconded**

*That the agenda be confirmed as published.*

**MOTION CARRIED**

## 5. DECLARATIONS OF INTERESTS

No changes to Councillor Declarations of Interests were noted.

## 6. PRESENTATIONS

No presentations were held.

## 7. CONFIRMATION OF MINUTES

**Resolution: Cr Weir Moved, Cr Wilson Seconded**

*That the minutes of the Regional Leadership meeting held on 21 February 2024 be received and confirmed as a true and accurate record.*

**MOTION CARRIED**

## 8. OPEN ACTIONS FROM RESOLUTIONS OF THE COMMITTEE

There were no open actions for the Committee to note.

## 9. MATTERS FOR CONSIDERATION

### 9.1. Regulatory Group Update: Quarterly Report [YouTube 8:03]

The purpose of this report was to update the Committee on activities of the Regulatory Group between 1 February 2024 and 30 April 2024 and to approve the Compliance Audit and Performance Monitoring Schedule for the 2024-25 year.

Joanna Gilroy (Acting GM Regulatory), Tami Sargeant (Manager Compliance), Simon Wilson (Manager Regulatory Data and Systems) and Steve Rushbrook (Harbourmaster) were present to speak to the report and respond to questions.

Cr Kelliher left the meeting at 10:32am and returned at 10:33am.

**Resolution RLC24-107: Cr Malcolm Moved, Cr Weir Seconded**

*That the Council:*

- 1) Notes** this report.
- 2) Approves** the Compliance Audit and Performance Monitoring Schedule for the 2024-25 year included as Attachment Two.

**MOTION CARRIED**

**10. CLOSURE**

There was no further business and Chairperson Scott declared the meeting closed at 11:14 am.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

DRAFT

### 9.1. Environmental Delivery Group Regulatory Activities Quarterly Update paper

<b>Prepared for:</b>	Regional Leadership Committee
<b>Report No.</b>	ENV2404
<b>Activity:</b>	Regulatory
<b>Author:</b>	Alexandra King, Manager Consents; Simon Wilson, Manager Regulatory Data and Systems; Peter Kelliher, Acting Compliance Manager and Steve Rushbrook, Harbourmaster.
<b>Endorsed by:</b>	Joanna Gilroy, General Manager Environmental Delivery
<b>Date:</b>	28 August 2024

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#### PURPOSE

- [1] To update the Committee on the activities of the Regulatory teams between 1 July 2023 and 30 June 2024.

#### EXECUTIVE SUMMARY

- [2] This report summarises the activity of the Regulatory teams which includes Consents, Compliance, Harbourmaster and Regulatory Data and Systems Teams.

#### RECOMMENDATION

*That the Committee:*

- a) **Notes** this report.

#### DISCUSSION

- [3] The following report provides a summary of the activity of each Regulatory team within the Environmental Delivery Group.
- [4] Attachment 1 contains statistics on Regulatory Team activities for the period 1 July to 30 June 2024.

#### CONSENTS

##### Consent Processing

- [5] The Consents Team received 692 resource consent applications over the financial year (1 July 2023 to 30 June 2024), consistently meeting required timeframes. In the 2023/24 financial year, 100% of consents were processed in compliance with the timeframes set in the Resource Management Act 1991, above the target of 98%.
- [6] Decisions were made on 772 individual consents (cumulative total) in the financial year. The main types of consents processed were for effluent ponds and discharges, earthworks, bores and surface water takes.
- [7] Map 1 in the Appendix shows the spread of consents granted for the period 1 July 2023 to 30 June 2024 throughout Otago. As shown on the map, the main types of consents approved over the financial year related to discharge to land consents which are the discharge of effluent, discharge of sediment related to earthworks or related to
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intensive winter grazing. There has also been a number of surface water consents granted in North Otago after workshops were run in that area.

- [8] Consent processing is predominantly undertaken by internal staff. Consultants are only used on an as required basis and still account for less than 10% of workload processing. This is generally for applications for large scale or long-term projects and where Council is the applicant.
- [9] Six applications were limited notified between 1 July 2023 to 30 June 2024. This is compared to 17 in the previous financial year. These applications related to a gravel takes, gold mining, surface water takes, closed landfills and works within wetlands.
- [10] Three applications were publicly notified between 1 July 2023 to 30 June 2024. This is compared to one in the previous financial year. These related to a suction dredge mining near Luggate, mining project in Millers Flat and a boat shed in Taieri Mouth.
- [11] A summary of consents statistics is included in Figures 1 to 6 of Attachment 1.

**Deemed Permit Replacements**

- [12] Deemed Permits and many water permits to take and use water in the region expired on 1 October 2021. Most of these permits are in Central Otago (including the Taieri catchment) and Queenstown Lakes Districts. Replacement applications for these permits were primarily lodged in 2020 and 2021.
- [13] Staff worked collaboratively with consultants and applicants to process deemed permit related applications. Decisions have been made on 159 applications from 1 July 2021 to 30 June 2024. There is only one application remaining to be decided, as shown in Table 1 below. Staff are working with the applicant to progress this one.

Table 1: Status of consent applications for deemed permit replacements:

Status	Number of applications
With applicant – resolving outstanding issues	1

- [14] Table 2 shows the decisions that have been made since July 2021 for deemed/water permit replacements. There have been a steady number of decisions made.

Table 2: Number of consent decisions related to deemed permit replacements.

Month	Number of deemed permit and surface water replacement decisions on applications lodged pre-1 October 2021	Number of decisions on surface water permit replacement applications lodged post-1 October 2021	Total decisions
July 2021	0	0	0
August 2021	4	0	4
September 2021	6	2	8
October 2021	4	0	4
November 2021	3	0	3
December 2021	0	1	1
January 2022	2	1	3
February 2022	4	1	5
March 2022	7	1	8
April 2022	3	0	3
May 2022	3	1	4
June 2022	1	0	1
July 2022	13	0	13
August 2022	10	0	10
September 2022	6	2	8
October 2022	4	2	6
November 2022	5	1	6
December 2022	8	1	9
January 2023	5	2	7
February 2023	6	3	9
March 2023	0	1	1
April 2023	0	6	0
May 2023	5	4	9
June 2023	0	1	1
July 2023	0	0	0
August 2023	2	1	3
September 2023	2	2	3
October 2023	1	2	3
November 2023	0	2	2
December 2023	1	0	1
January 2024	0	0	0
February 2024	1	2	3
March 2024	1	5	6
April 2024	4	0	4
May 2024	0	1	1
June 2024	0	1	1
<b>Total</b>	<b>111</b>	<b>48</b>	<b>159</b>



### **Appeals, objections, and reviews**

- [15] No appeals or objections on consent decisions were received between 1 July 2023 to 30 June 2024.
- [16] Two formal cost objections were received under Section 357B of the RMA between 1 July 2023 to 30 June 2024. One related to residential earthworks. The second cost objection related to a deemed permit replacement. Clearly communicating costs and being able to invoice as quickly as possible post a decision on an application remains a focus for the team. This includes working with Council's Finance team on invoicing.
- [17] No reviews are currently being processed. Within the reporting period two reviews were undertaken, relating to a rendering plant and five community wastewater treatment plants.

### **Public Enquiries**

- [18] Responding to public enquiries remains a significant part of the workload of the Consents Team. Council received 2,347 enquiries from the public between 1 July 2023 to 30 June 2024. Most enquiries were resolved within two days of being received, with the remaining generally within the three to seven days. Information on these enquiries can be seen in Attachment 1. The large number of public enquiries responded to demonstrate the value of this service provided by ORC.
- [19] Requests for copies of documents, as well as information about discharges to land, farming activities and consent process are the most common enquiry types. The main method for requests is email.
- [20] The Public Enquiries team have been responding to requests for comments on applications that are seeking to use the 'Fast Track' process provided by the COVID-19 Recovery (Fast-Track Consenting). Proposals in Otago under this process (run by the EPA) that progressed in the reporting period included:
  - a) Flint's Park, Ladies Mile – Te Pūtahi – Stage 1
  - b) New Dunedin Hospital – Whakatuputupu Stage 4 – Bow Lane Ancillary Services
  - c) Southland Windfarm
  - d) Hansen Road Worker Accommodation
- [21] To enhance the public enquiries service, as well as the other projects reported to date staff have led, are working on or finalised:
  - a) 14 intensive winter grazing sessions throughout Otago;
  - b) water take consent workshops in North Otago;
  - c) effluent workshops throughout Otago;
  - d) website review and update;
  - e) an updated process for fast track projects under the Fast-track Approvals Bill;
  - f) keeping up to date with resource management reform;
  - g) assisting applicants to seek funding under the Consent Fee Support programme;
  - h) advising the public on navigating government reforms;
  - i) new Harbourmaster consultation form on website;
  - j) updates to website and forms for the Regional Policy Statement decision;
  - k) updating gravel, contaminated land and earthworks application forms, templates and conditions;
  - l) and working on new practice notes.

- [22] All the above projects help us deliver an improved customer experience for users of the consent or public enquiries services. This work is balanced against chargeable work and is completed within an existing work programme.

## **COMPLIANCE MONITORING AND ENFORCEMENT**

### **Performance Monitoring**

- [23] Performance monitoring returns include all information Consent Holders are required to submit by conditions in their resource consents. This includes photographs of work, water meter returns, complex annual reports, and management plans. Some consents require multiple submissions of performance monitoring per year, for example monthly water quality results, while others have no performance monitoring requirements. The grading of performance monitoring tends to be faster than a full audit and is used to help the Compliance Team prioritise which consents require audits.
- [24] In the period from 1 July 2023 to 30 June 2024, the Regulatory Data and Systems and Compliance teams graded 7,807 performance monitoring returns against a target of 6,000. This is down on the 8,914 returns graded in the same period last financial year. The volume of work completed is down partly because the team was carrying a vacancy, which has now been filled, and partly because the numbers reached in 2022/23 were well above normal levels. For comparison 6,945 returns were graded between 1 July 2021 and 30 June 2022 in the same period of 2020/21 that number was 5,533.
- [25] A summary of performance monitoring data for 2023/24 is set out in Figures 7 and 8 of Attachment 1. The geographic spread of monitoring can be seen in Map 4 of Attachment 1.

### **ORC compliance audits and inspections**

- [26] In the 2023/24 year, 1,411 on site audits and inspections were completed. The inspections relate to 950 consent audits, 408 dairy inspections and 53 forestry inspections. This is 141% of the planned compliance audits or field inspections programmed for the 2023/24 year.
- [27] A summary of the compliance field visits and inspections undertaken in 2023/24 year to date compared with the 2022/23 year and Annual Plan target is set out in Figures 9 and 10 of Attachment 1.

### **RMA consent audits**

- [28] In the 2023/24 year to date, 950 on site consent audits have been completed. Compliance with consent conditions can be considered high, with most consents being considered either fully compliant (43% consents), or low risk non-compliance (33% consents). Consents are graded as low risk non-compliance when there is a likely low risk of adverse environmental effects or is technical in nature (e.g., failure to submit a monitoring report).
- [29] All consent audits graded with moderate non-compliances (130 consents) and significant non-compliances (54 consents) have been followed up by staff and either appropriate action has been taken in line with the RMA Compliance and Enforcement Policy, or investigations are continuing. Formal enforcement action taken in relation to consent

non-compliance in the 2023/24 year to date includes 23 abatement notices, 21 infringement notices and 2 formal warnings.

- [30] Map 3 of Attachment 1 shows the spread of consents that have been audited throughout Otago. A summary of RMA consent audit data in the 2023/24 year is set out in Figures 11 and 12 of Attachment 1.

#### **Dairy Compliance Programme**

- [31] The 2023/24 Dairy Inspection Compliance Project commenced in October 2023, where compliance staff have completed 407 dairy inspections for the year. This is an increase of 114 inspections compared with the 2022/23 year.
- [32] Overall compliance is very high with 267 farms graded fully compliant and 114 farms graded low risk non-compliance. 18 farms were graded moderately non-compliant and eight farms were graded significant non-compliance. Reasons for non-compliance related to unconsented effluent storage, effluent pond overflows, effluent ponding, offal pit and farm landfill mixing, setbacks and silage leachate discharges. These matters are being followed up by staff and either appropriate action has been taken, or investigations are continuing.
- [33] The 2023/24 dairy project monitors compliance with animal effluent systems and discharges and farm waste streams (offal pits, farm landfills) and Permitted Activity Water Takes. There has also been a focus on providing awareness and engaging with farmers on the requirements for animal effluent storage and discharge consents, the intensive winter grazing rules and understanding when consents from the ORC may be required.
- [34] A summary of 2023/24 dairy inspection data is set out in Figure 13 of Attachment 1.
- [35] A de-brief of the dairy project will be undertaken when the dairy season is completed, and learnings will be taken through to the 2024/25 season.

#### **Commercial Forestry**

- [36] In the 2023/24 year to date, ORC received 227 forestry notifications and 94 management plans. This is under the National Environmental Standards. Most of the forestry notifications related to afforestation. A compliance risk assessment is undertaken on forestry management plans, and on-site inspections are undertaken where appropriate to check compliance on-the-ground. Compliance staff have undertaken 53 forestry inspections in the 2023/24 year. This is an increase of 16 inspections for the full 2022/23 year.
- [37] Of the sites monitored, compliance was high with 30 forestry sites graded fully compliant and 17 forestry sites graded low-risk non-compliance. Four forestry sites were graded moderate non-compliance, and two forestry site was graded significant non-compliance. Reasons for non-compliance related to limited sediment controls, slash left within flow paths and disturbing the bed of a waterway. These matters were followed up by staff and corrective actions were made by the forestry operators.
- [38] Compliance staff actively engage with the forestry sector to encourage best practice in forestry management. This includes regular correspondence and information on forestry rules and participating in a Southern Forestry Environmental Working Group.

- [39] Te Uru Kahika's Compliance Special Interest Group established a Forestry Working Group this year. The purpose of the forestry working group is to support consistent interpretation and implementation of the NES-CF, and standardisation of forestry inspection assessments. ORC compliance staff actively participate in the forestry working group, including undertaking a review of forestry inspection reports across regional councils who monitor forestry activities.
- [40] A summary of 2023/24 forestry notifications and inspections data is set out in Figures 14 and 15 of Attachment 1.

#### **Low flow monitoring**

- [41] This year was a busy season for Low Flows. In total 12 monitoring sites dropped below their low flow limits throughout the season this triggered low flow conditions for 110 water take consent holders.
- [42] Standard practice when a monitoring site drops below the low flow limit for the first time, the Regulatory Data and Systems team call all Consent Holders with a low flow condition linked to the site. These calls ensure the Consent Holder is aware the site is in low flow and to enquire about stock levels to help calculate reasonable use under the RMA. From there the team carry out daily checks on telemetered water meter data. Any concerns are escalated to the Compliance Team for a field visit.
- [43] Overall rates of compliance with low flow limits were high across Otago. There were also positive examples of communities collaborating to ensure catchments did not reach low flow. This included engagement from several Consent Holders who do not currently have low flow restrictions.

#### **Environmental pollution incidents**

- [44] In the 2023/24 year, 1,361 service requests were received on the pollution response hotline, resulting in 1095 incidents being generated. This is down slightly from 1,407 service requests in the same reporting period in the 2022/23 year. The most common reasons for requests related to water pollution (230), outdoor burning (196), and odour (156).
- [45] The 24/7 pollution response service was maintained throughout the 2023/24 year.
- [46] Map 5 of Attachment 1 shows pollution incidents have occurred throughout the Otago region.
- [47] The majority (60%), of the pollution incidents required a field inspection to assess compliance and investigate, and 40% of the pollution incidents were resolved through desktop analysis.
- [48] Further details on pollution incidents and responses in the 2023/24 year can be found in Figures 16 and 17 of Attachment 1.

#### **Investigations and enforcement action**

- [49] For the 2023/24 year, ORC issued 101 formal enforcement actions, including three prosecutions, 42 infringement notices, 44 abatement notices, one enforcement order and 11 formal warnings.

- [50] Map 6 of Attachment 1 indicates the location of the incidents related to the formal enforcement action. It should be noted that some incidents resulted in multiple enforcement actions. For example, issuing multiple infringement notices to multiple parties; and issuing an abatement notice and infringement notice for the same incident.
- [51] For the 2023/24 year, ORC issued 42 infringement notices. 33 infringement notices were paid within time limits (five still outstanding) and four infringement notice were withdrawn after reviewing additional evidence provided by the alleged offender. Geographically the spread of infringement notices across the districts is as follows: Central Otago (5), Clutha (8), Dunedin (14), Queenstown Lakes (13) and Waitaki (2).
- [52] For the 2023/24 year, ORC issued 44 abatement notices. Geographically the spread of abatement notices across the districts is as follows: Central Otago (6), Clutha (14), Dunedin (6), Queenstown Lakes (9) and Waitaki (9).
- [53] 28 abatement notices were cancelled in the financial year due to compliance being met. Some of these abatement notices were issued in previous financial years but cancelled in this financial year. ORC staff continue to monitor compliance with the conditions of abatement notices, and work with the parties to achieve compliance and improved environmental outcomes. Having an abatement notice cancelled reflects that compliance has been achieved and that their use has been effective.
- [54] The most common RMA breaches that led to formal enforcement action in the reporting period related to, discharges of contaminants to water (section 15(1)(a)), discharges of contaminants to land when it may enter water (section 15(1)(b)), discharges of contaminants to air (section 15(2A)) and contravention of abatement notices (section 338).
- [55] In the reporting period, formal enforcement actions were taken against 44 companies, 12 individuals, four territorial authorities, two trusts and a corporate body. Some parties received multiple enforcement actions for the same incident (e.g., infringement notice and abatement notice, and some parties were involved in multiple incidents).
- [56] Three prosecutions were authorised during the 2023/24 year, relating to an outdoor burning, tyre storage and waterway disturbance. There are three further prosecution cases at various stages in the Court proceedings process.
- [57] A summary of formal enforcement action in the year to date can be found in Figures 18 and 19 of Attachment 1.

#### **Compliance engagement and education activities**

- [58] To support and enable compliance, ORC compliance staff work proactively with landowners, consent holders, and the community to engage on compliance matters and educate on good practices.
- [59] Some of the engagement and education activities that have been undertaken by the Compliance team since the last Regulatory Update report include:

- a) Proactive communications advising intensive winter grazing consent holders on the process for submitting their 2024 grazing plans.
- b) Compliance staff supported Community IWG workshops across the region, encouraging good management practice and consent application support.
- c) Sending out educational letters in relation to domestic chimney and outdoor burning complaints.
- d) Engaged as part of the work around Freshwater Farm Plans and implementation of the dairy effluent rules.
- e) Development of a Concrete Wash brochure – preventing stormwater pollution.
- f) Presented at the AIANZ (Aviation) Conference to support the rural aviators regarding aerial spraying.
- g) Media advertising regarding outdoor burning.

## **HARBOURMASTER**

### **Major Incidents**

[60] ORC's long -term plan metrics include a requirement for major incidents to be reported to Council. This incident reporting is included as part of the quarterly update reports. Major incidents can be considered incidents which have the potential to result in one or more of the following:

- a) Significant adverse effects to the environment.
- b) Pose significant risks to health and safety; and
- c) Significant navigational safety issues.

[61] There was one major incident in June. This was the boat Tamahine which ran aground at Taiaroa Head, on Otago Peninsula. Staff responded to this incident with other agencies. Shortly after the crew had been rescued, the vessel broke up in the heavy easterly swell. Some diesel and oil was observed, but quickly dissipated over the following days. Staff recovered small amounts of debris.

[62] Media campaigns have continued through this period, with great output into TV, radio and social media. Lots of positive feedback received. The Harbourmaster Facebook page continues to grow from strength to strength and is providing a great avenue for specific boating information sharing.

[63] Engagement events for the financial year were reported through to Council in June to meet a Long-Term Plan level of service. These events included the Dunedin Street Festival, Water Safety Forum and on-water days through-out the region.

[64] Staff continue to support the environmental monitoring team with sampling and buoy maintenance on Lake Wakatipu, Lake Wānaka, Lake Hawea, Lake Hayes, and Lake Dunstan.

## **CONSIDERATIONS**

### **Strategic Framework and Policy Considerations**

[65] There are no policy considerations.

### **Financial Considerations**

[66] There are no financial considerations.

### **Significance and Engagement Considerations**

[67] As this is a report for noting consideration of the Significance and Engagement Policy is not required.

### **Legislative and Risk Considerations**

[68] A number of legislative requirements govern the activities of the Regulatory Group.

[69] There are a number of legal and reputational risks associated with the delivery of ORC's regulatory functions.

### **Climate Change Considerations**

[70] There are no climate change considerations associated with this report.

### **Communications Considerations**

[71] Communication with the Otago community occurs on a regular basis to educate and inform people on regulatory matters. This includes a quarterly regulatory newsletter which is aimed at informing RMA professionals on technical matters and relevant updates.

### **NEXT STEPS**

[72] Regulatory activity and progress against the Compliance Audit and Performance Monitoring Schedule will continue and will be reported quarterly to the Regional Leadership Committee.

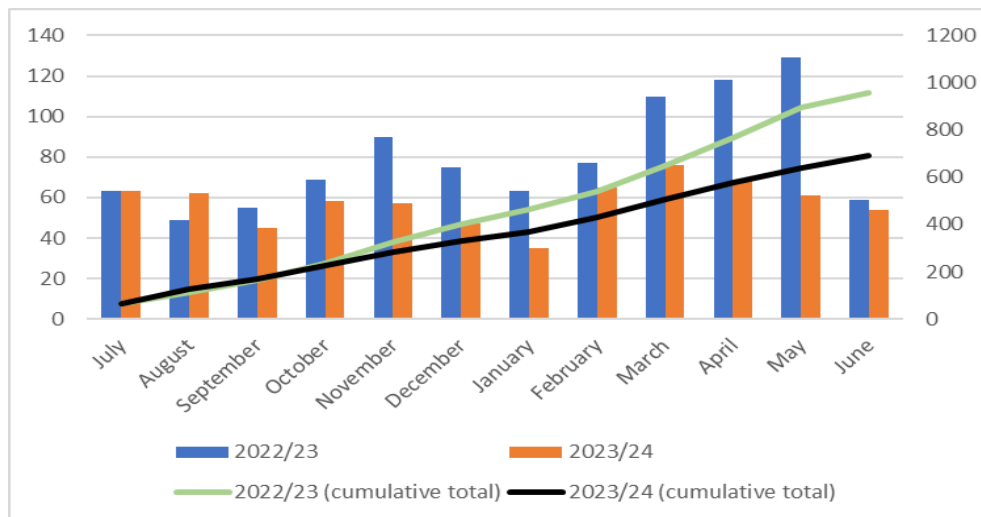
### **ATTACHMENTS**

1. Attachment 1 [8.1.1 - 17 pages]

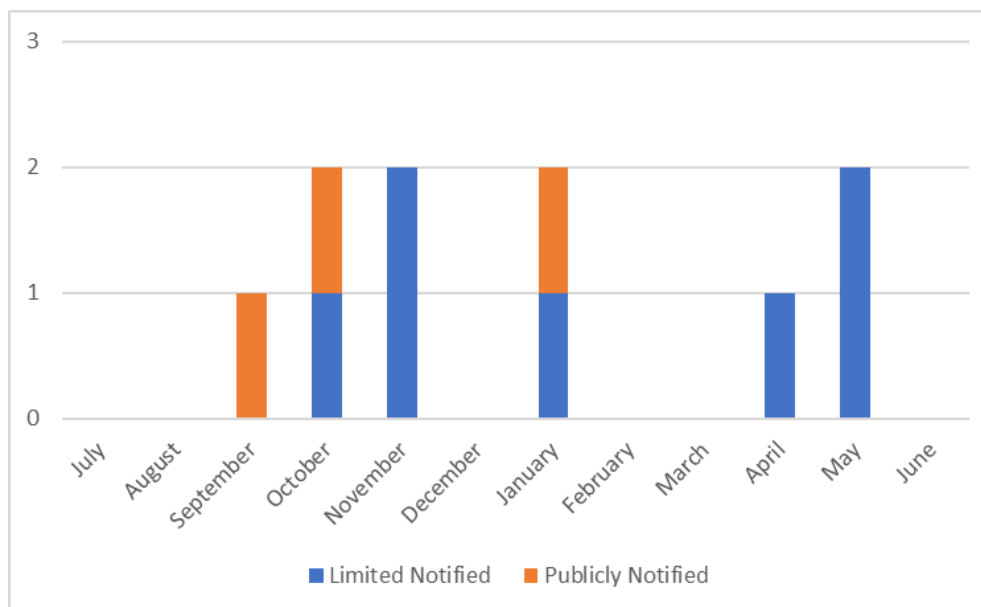
**Attachment 1: REGULATORY REPORT FOR THE PERIOD 1 JULY 2023 TO 30 June 2024**

**Consents**

**Figure 1: Resource Consent Applications Received**



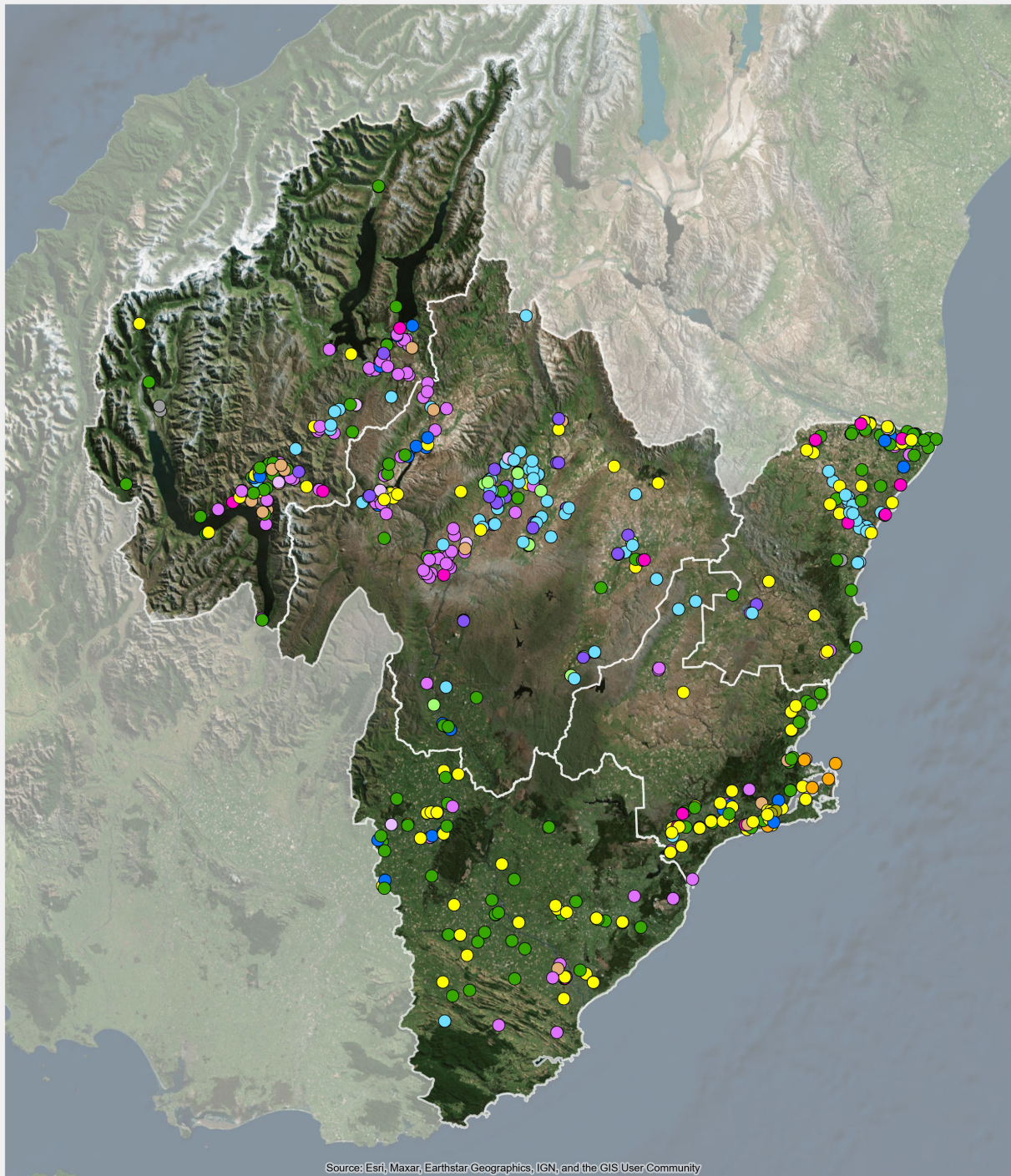
**Figure 2: Notified Applications**





# Map 1 – Consents Issued

From 1 July 2023 to 30 June 2024



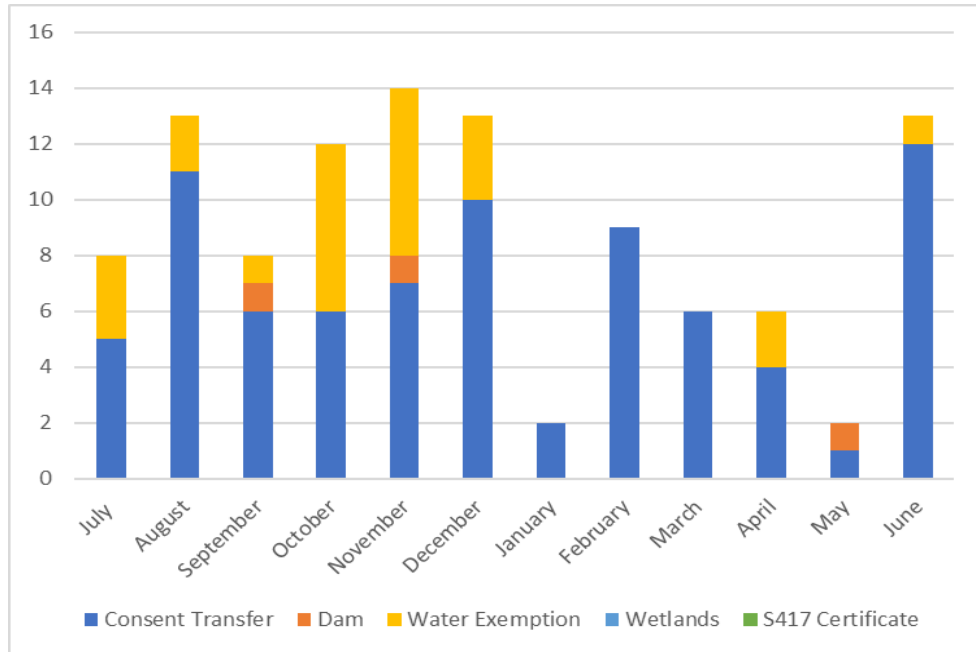
Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

- |                                  |                                  |                                  |
|----------------------------------|----------------------------------|----------------------------------|
| ● Bore Construction Consent (96) | ● Discharge to Air Permit (23)   | ● Effluent Storage Consent (3)   |
| ● CMA Use Permit (16)            | ● Discharge to Land Permit (189) | ● Gravel Extraction Consent (3)  |
| ● Coastal Discharge Permit (1)   | ● Discharge to Water Permit (32) | ● Groundwater Take Permit (36)   |
| ● Coastal Water Permit (2)       | ● Divert Water Permit (10)       | ● Land Use Consent (173)         |
| ● Dam Water Permit (26)          | ● Earthworks Consent (43)        | ● Surface Water Take Permit (94) |

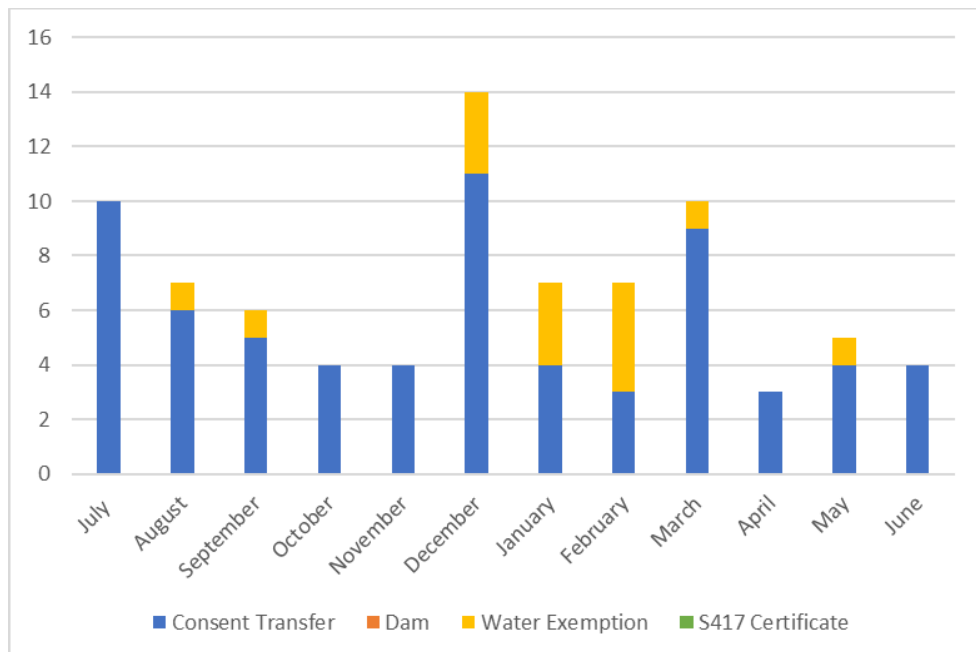


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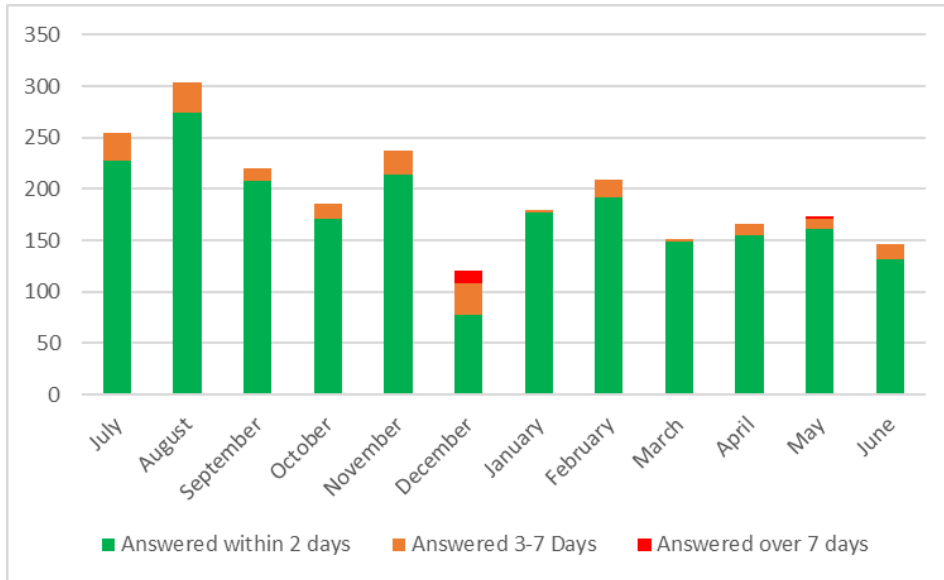
**Figure 3: Other Applications Received**



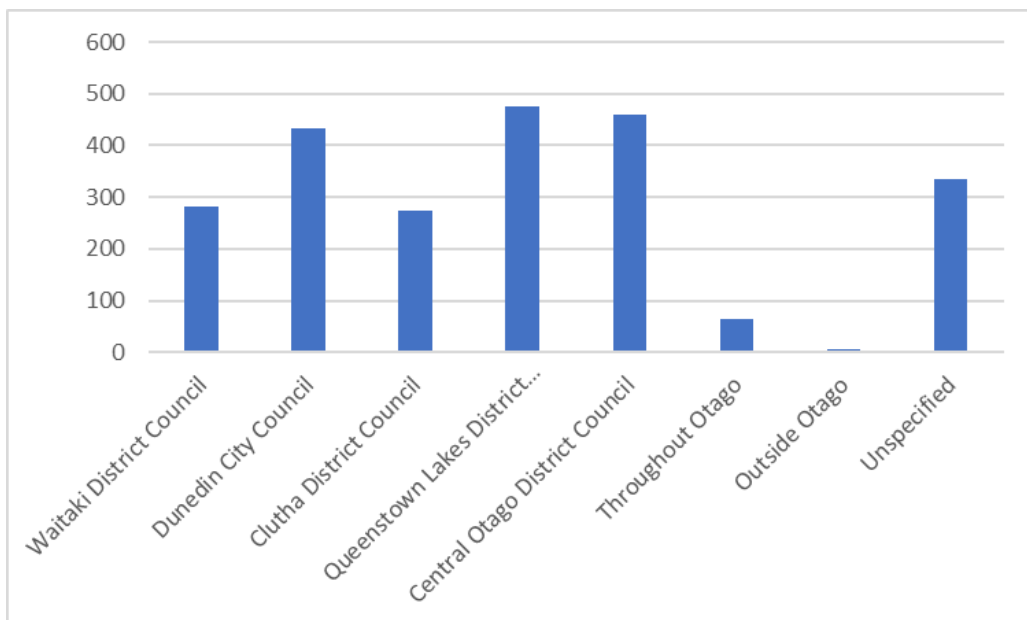
**Figure 4: Other Applications Processed**



**Figure 5 Consent Enquiry Response Times**

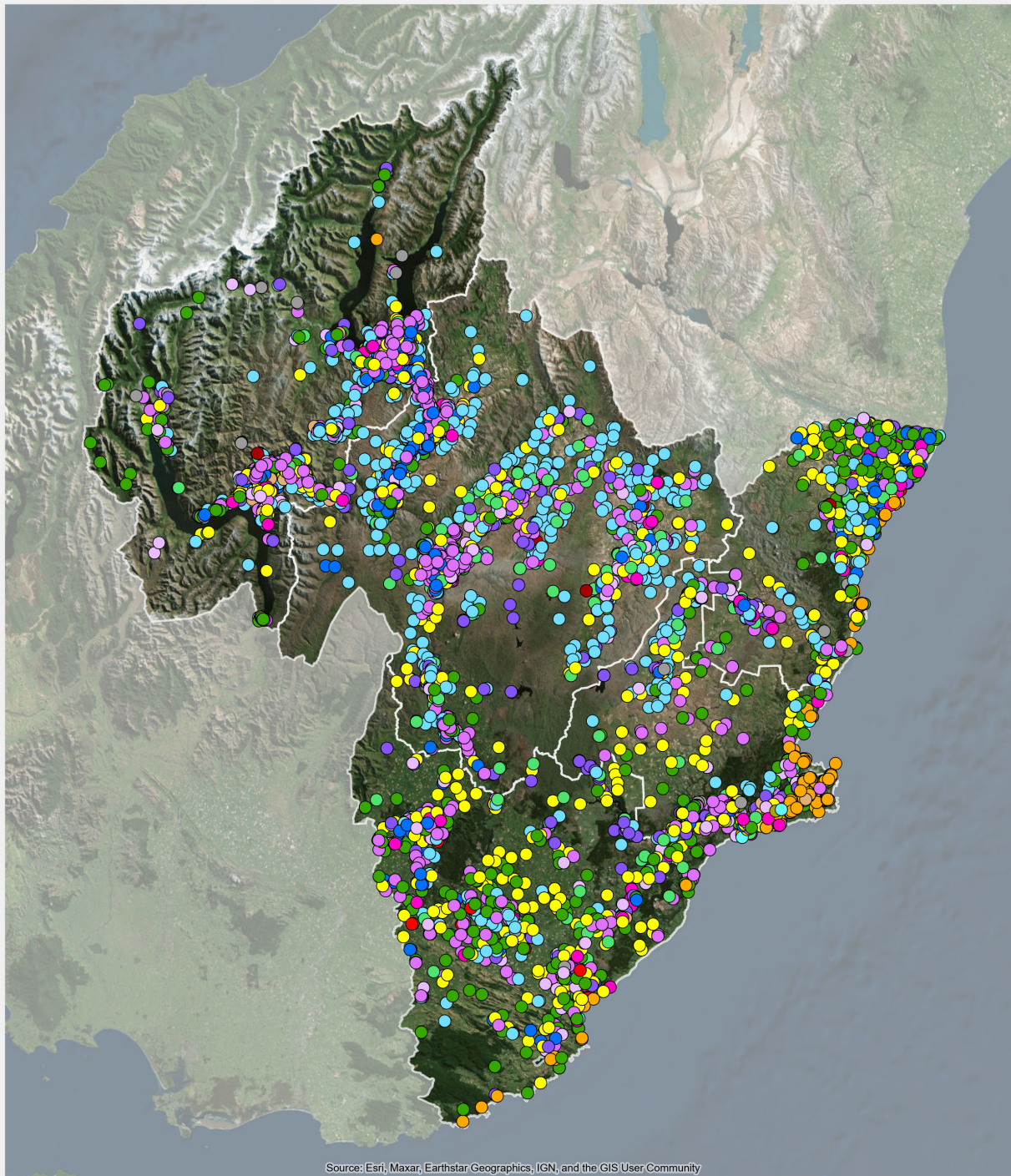


**Figure 6: Consent Enquiries by Location**



# Map 2 – Current Consents

25/07/2024



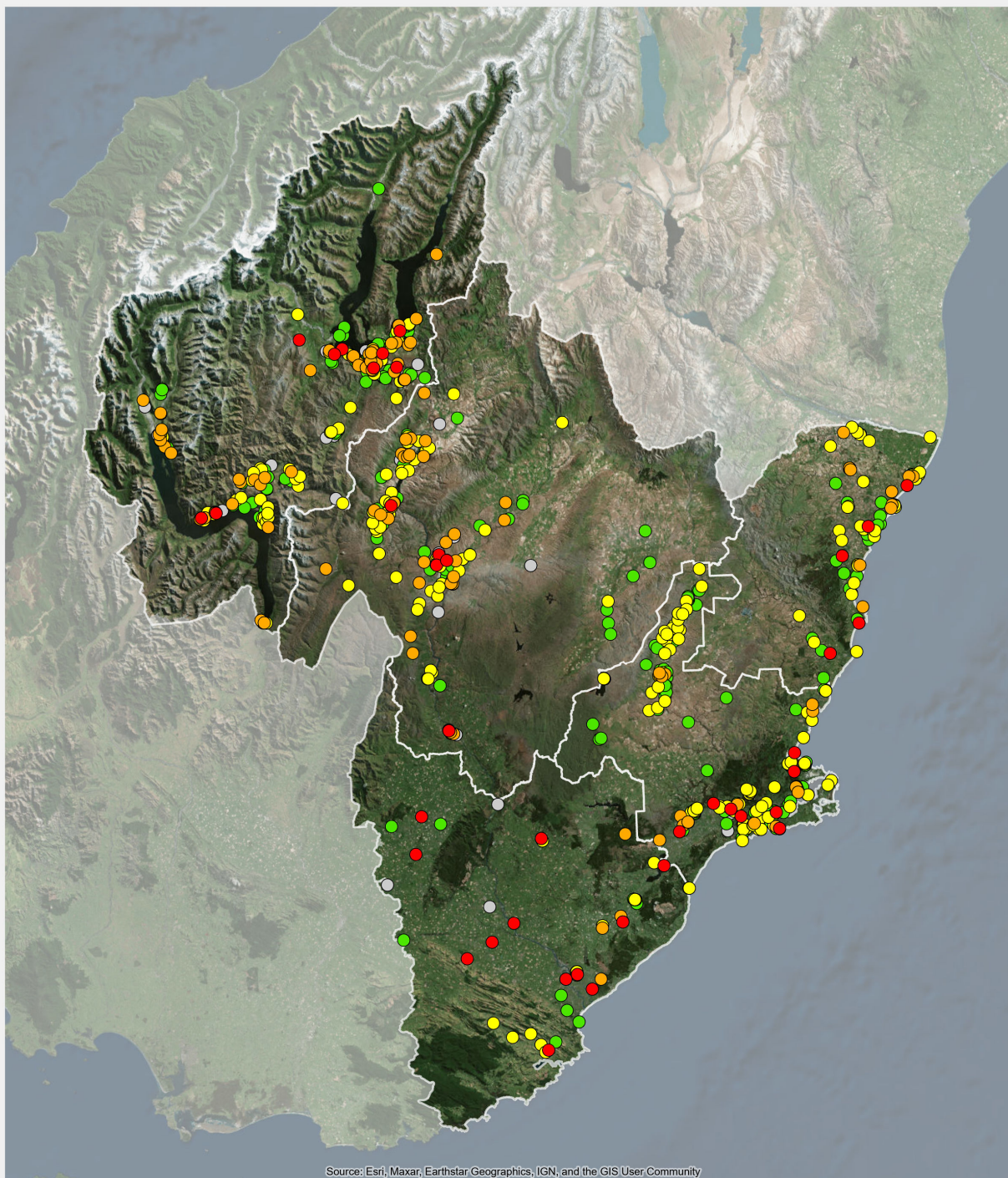
Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

- |                                    |                                   |                                   |                                   |
|------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| ● Bore Construction Consent (1162) | ● Dam Building Permit (24)        | ● Discharge to Water Permit (446) | ● Gravel Extraction Consent (40)  |
| ● CMA Use Permit (653)             | ● Dam Water Permit (273)          | ● Divert Water Permit (250)       | ● Groundwater Take Permit (604)   |
| ● Coastal Discharge Permit (45)    | ● Discharge to Air Permit (229)   | ● Earthworks Consent (104)        | ● Land Use Consent (1014)         |
| ● Coastal Water Permit (7)         | ● Discharge to Land Permit (1042) | ● Effluent Storage Consent (16)   | ● Surface Water Take Permit (975) |

Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 25/07/2024 at the scale of 1:1,400,000.

# Map 3 – Consent Audits

From 1 July 2023 to 30 June 2024



Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

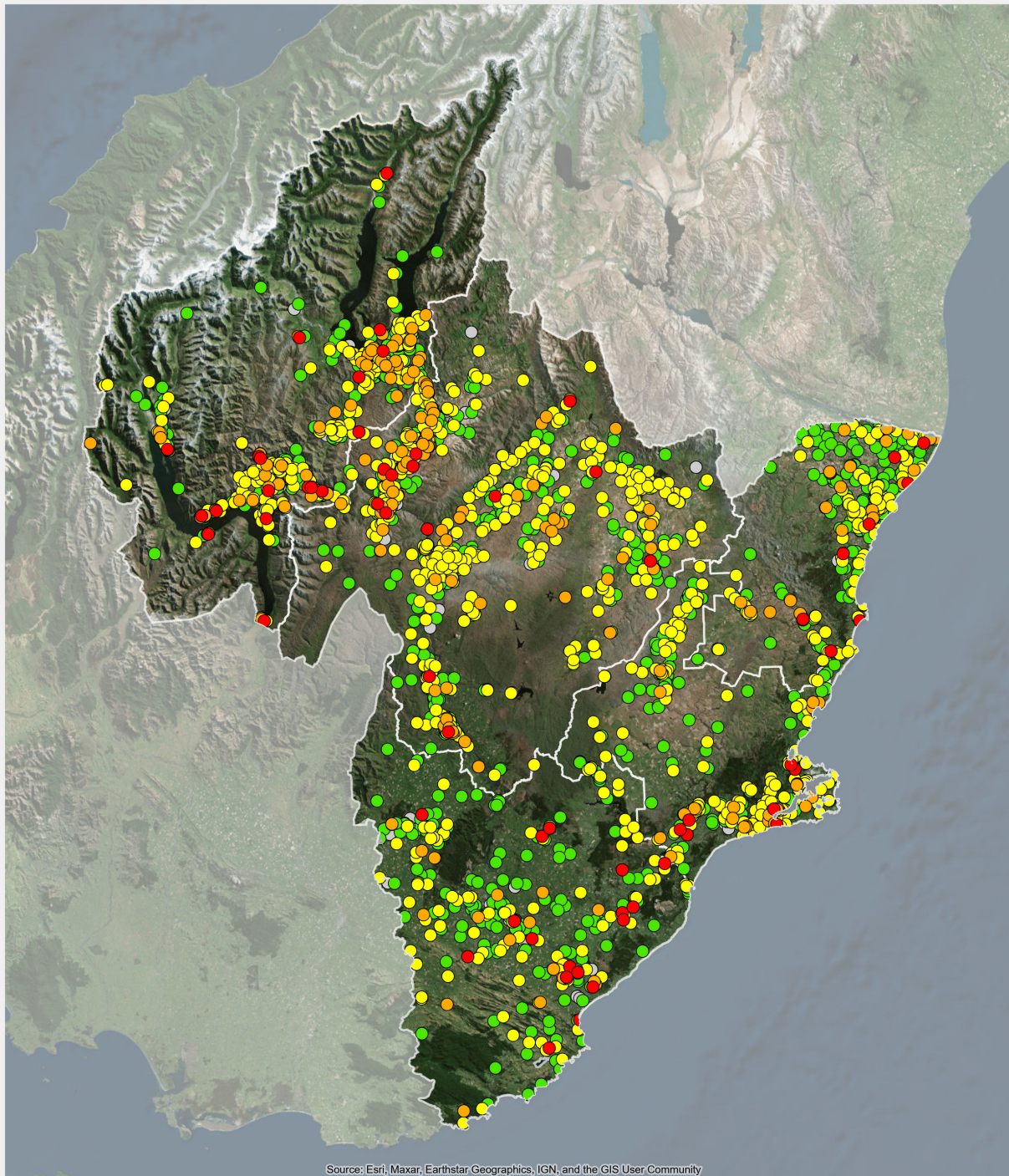
- Consent Not Yet Exercised (45)
- Full Compliance (407)
- Low Risk Non-Compliance (314)
- Moderate Non-Compliance (130)
- Significant Non-Compliance (54)



Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 25/07/2024 at the scale of 1:1,400,000.

# Map 4 – Consent Performance Monitoring

From 1 July 2023 to 30 June 2024



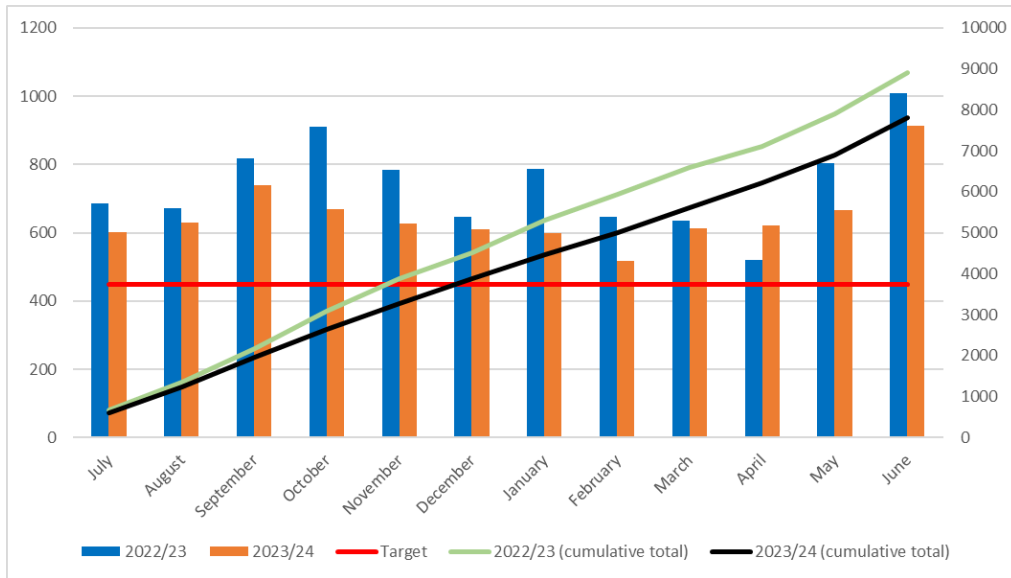
Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

- Consent Not Yet Exercised (418)
- Full Compliance (4546)
- Low Risk Non-Compliance (2376)
- Moderate Non-Compliance (339)
- Significant Non-Compliance (150)

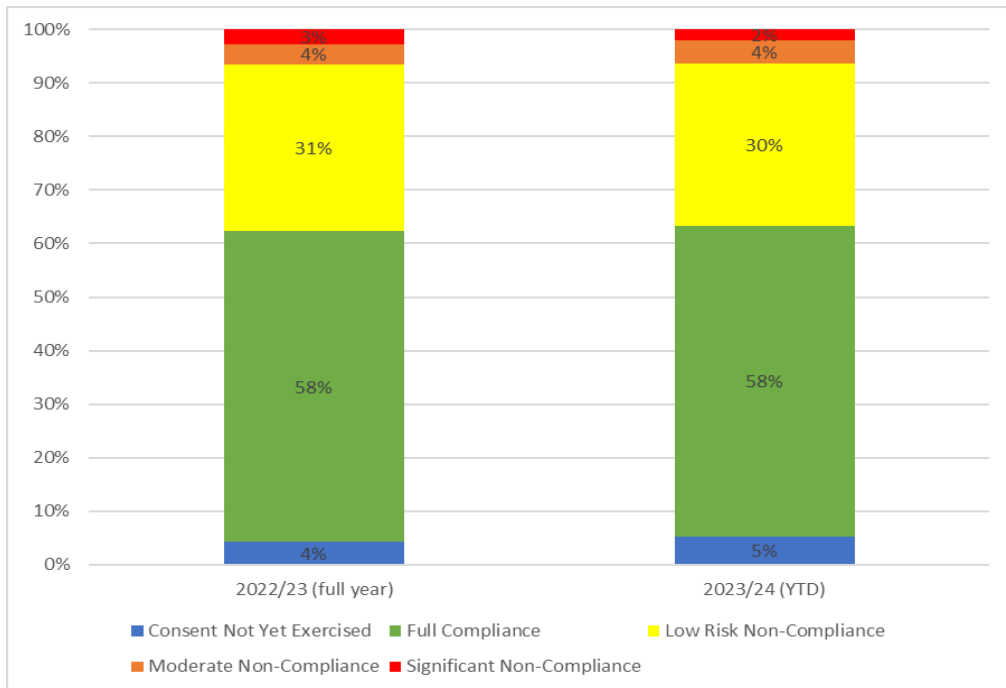


Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 25/07/2024 at the scale of 1:1,400,000.

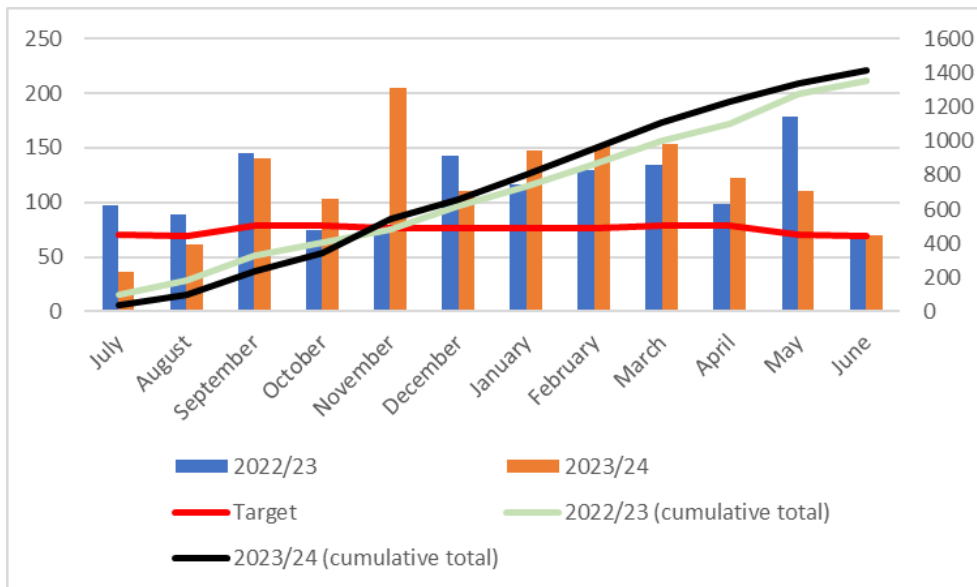
**Figure 7: Performance Monitoring Returns Completed**  
*LTP Performance Measure*



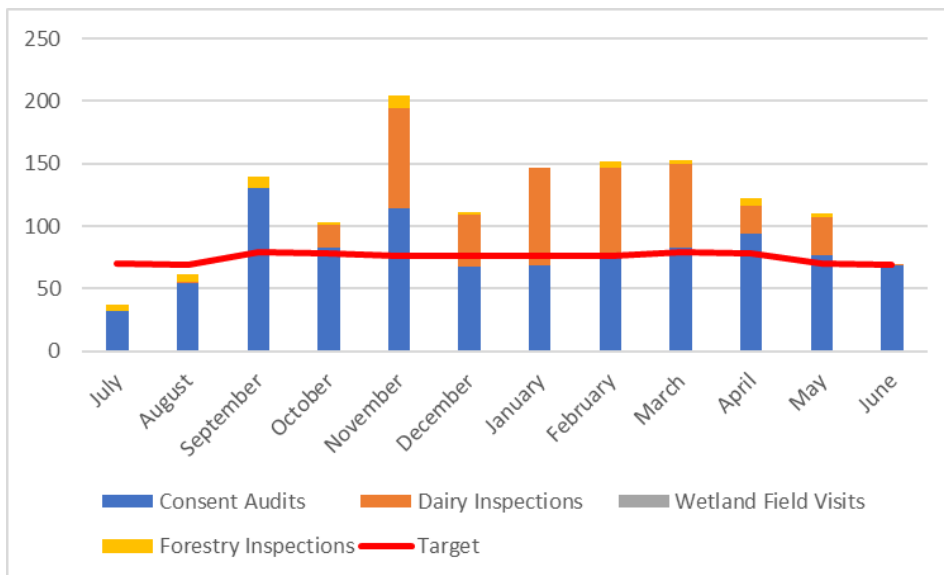
**Figure 8: Performance Monitoring Grades Year on Year**



**Figure 9: Compliance Audits and Field Inspections Year on Year**  
*LTP Performance Measure*

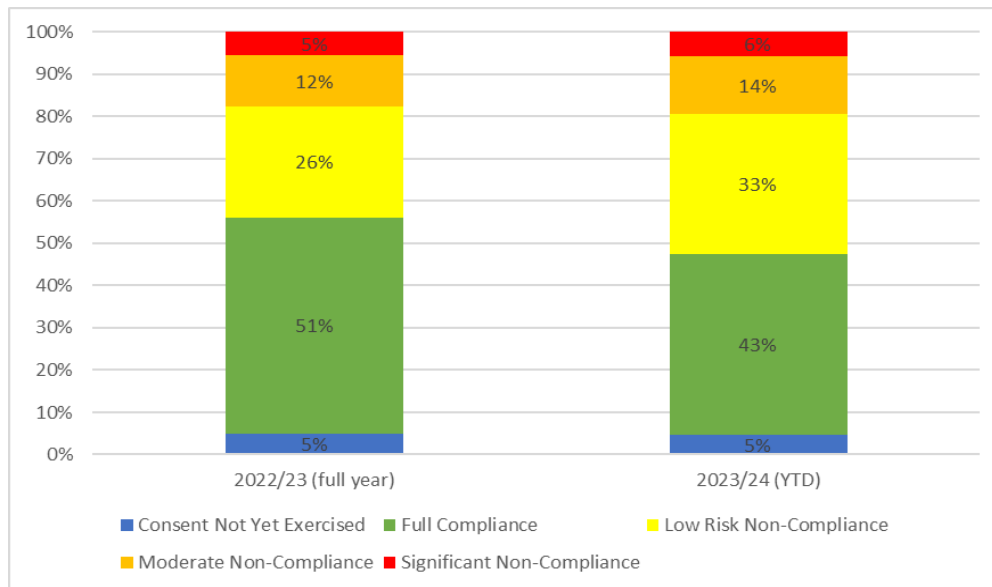


**Figure 10: Compliance Audits and Field Inspections by Type**

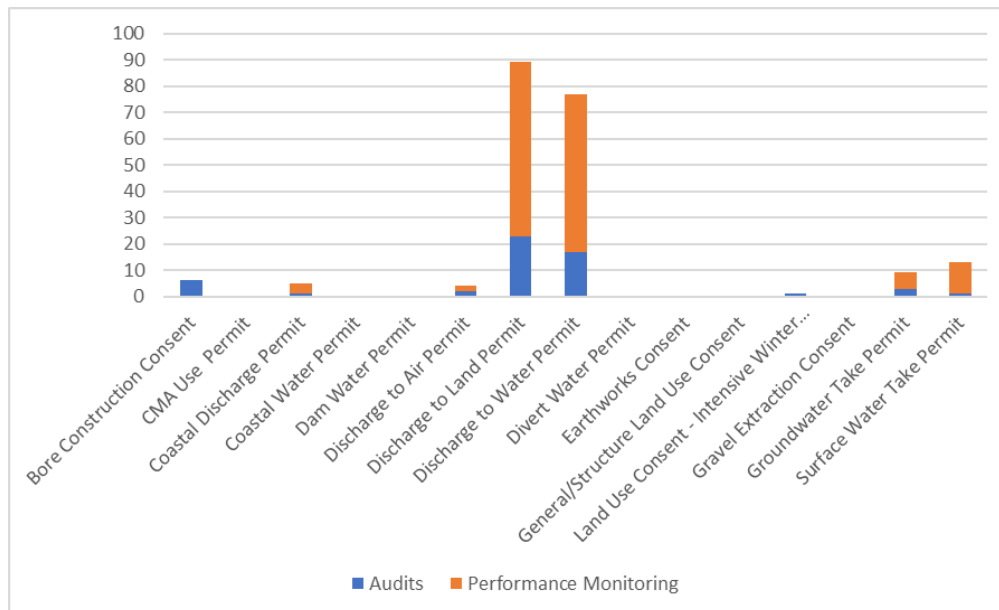




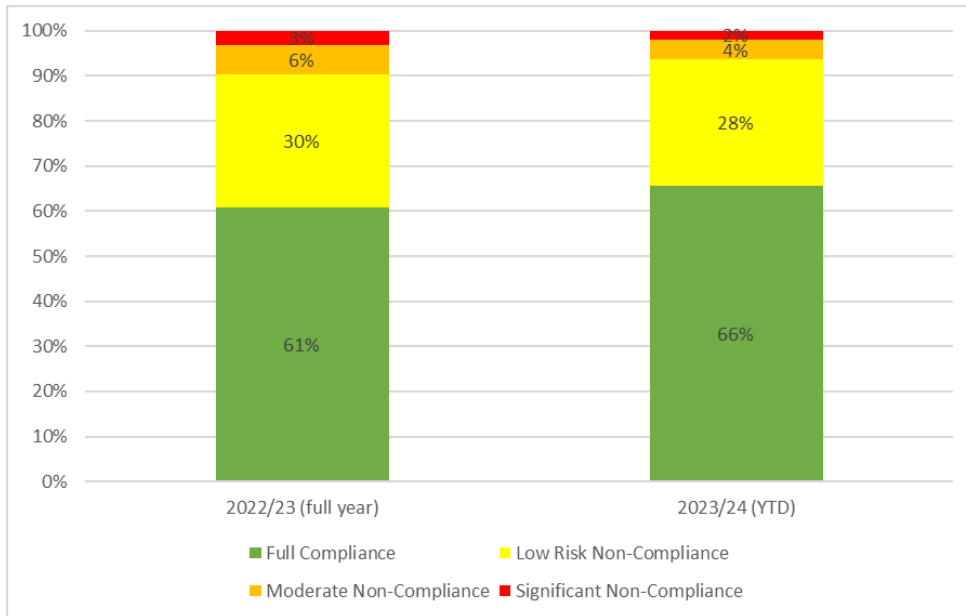
**Figure 11: Consent Audit Grades Year on Year**



**Figure 12: Significant Non-Compliance by Consent Type**



**Figure 13: Dairy Inspection Grades Year on Year**



**Figure 14: Forestry Notifications and Inspections**

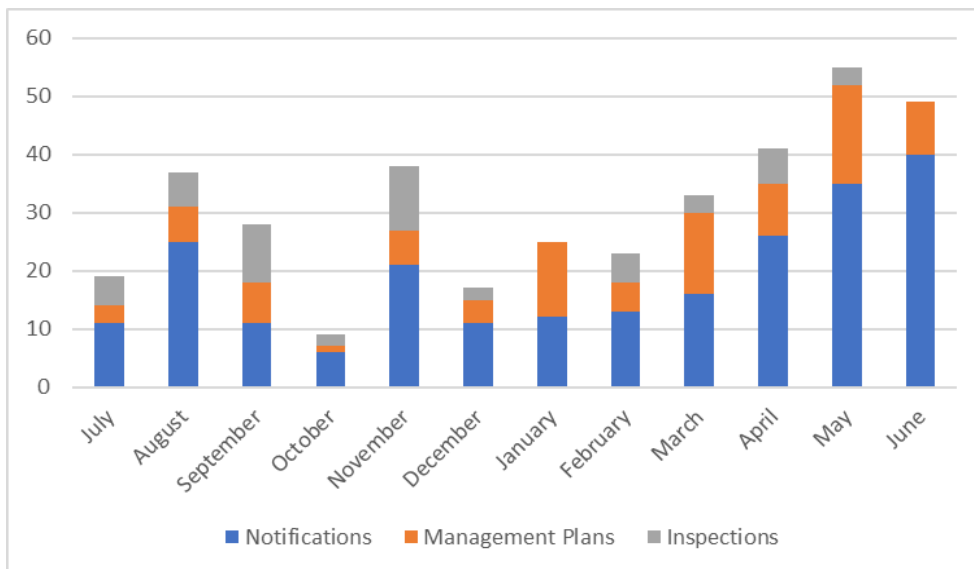
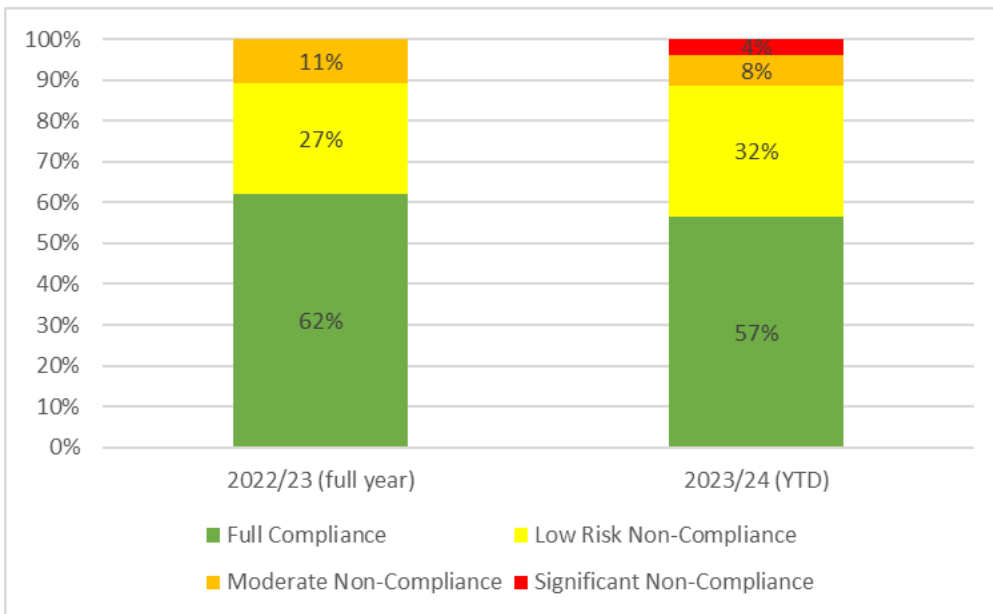
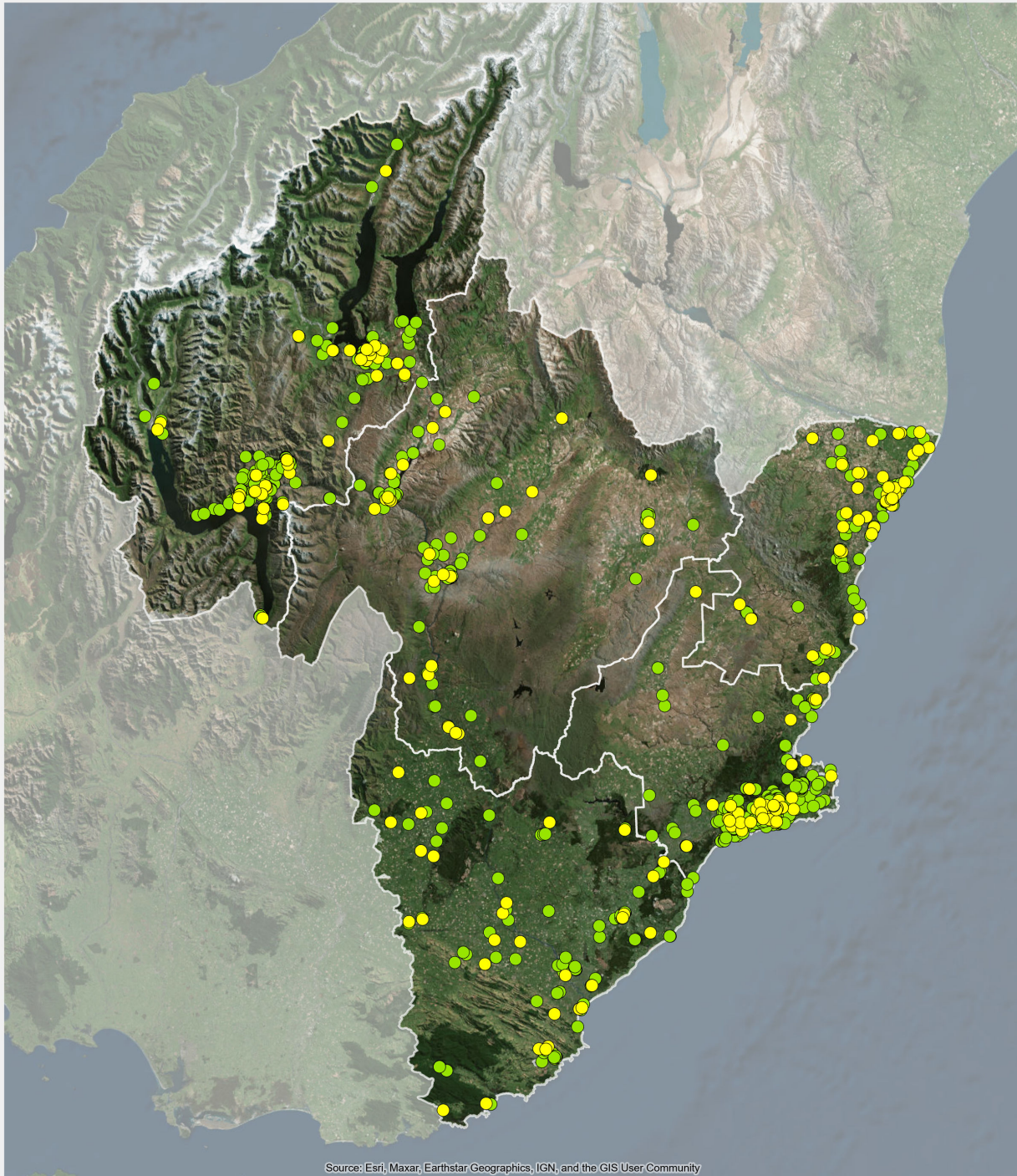


Figure 15: Forestry Inspection Grades Year on Year



# Map 5 – Incidents

From 1 July 2023 to 30 June 2024



Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

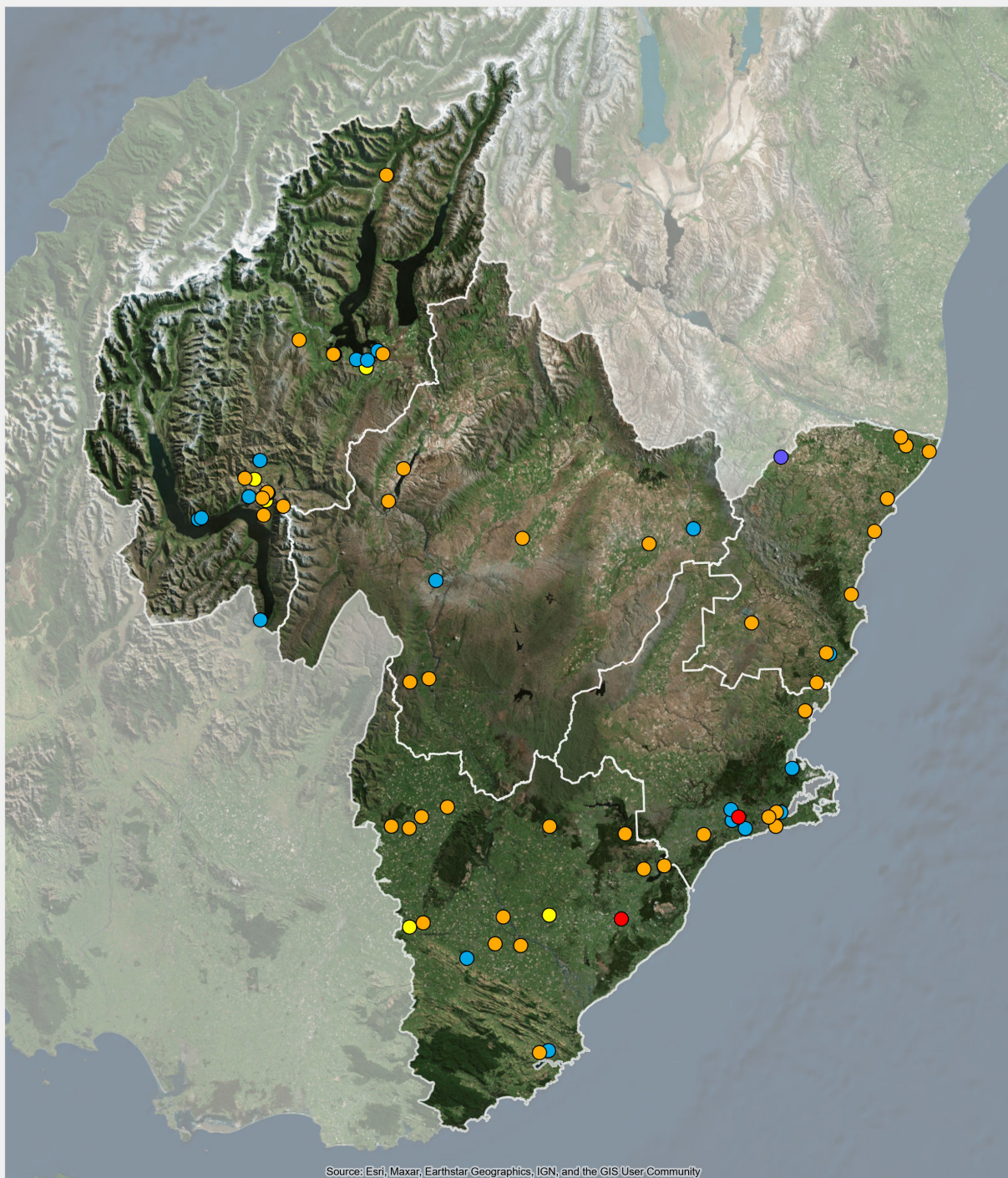
- In Progress (200)
- Completed (929)



Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 25/07/2024 at the scale of 1:1,400,000.

# Map 6 – Enforcement Actions

From 1 July 2023 to 30 June 2024



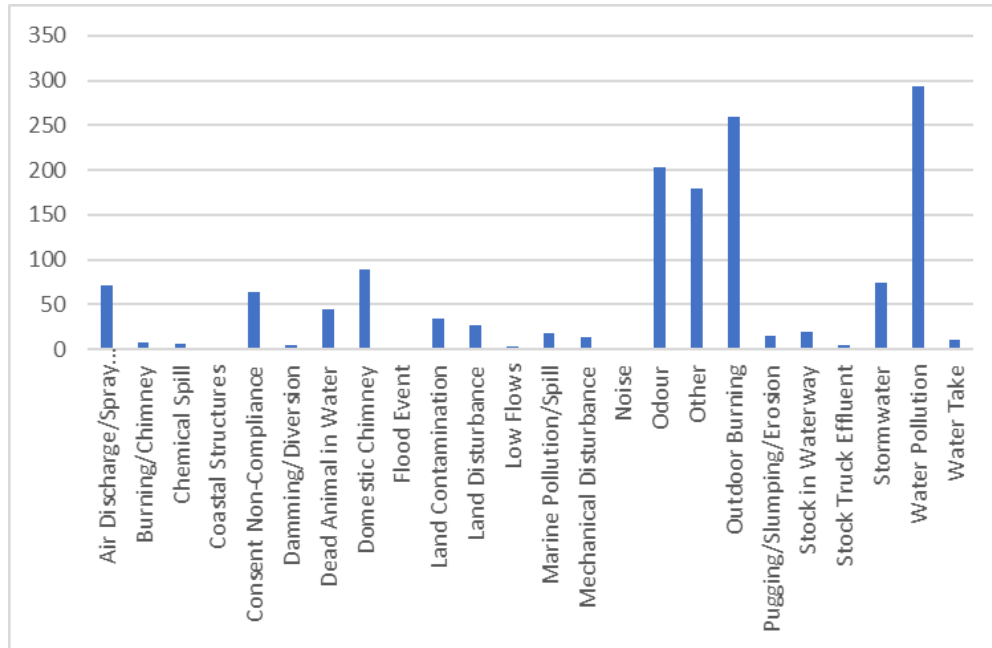
Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

- Prosecution (3)
- Infringement (42)
- Enforcement Order (1)
- Warning (11)
- Abatement Notice (44)

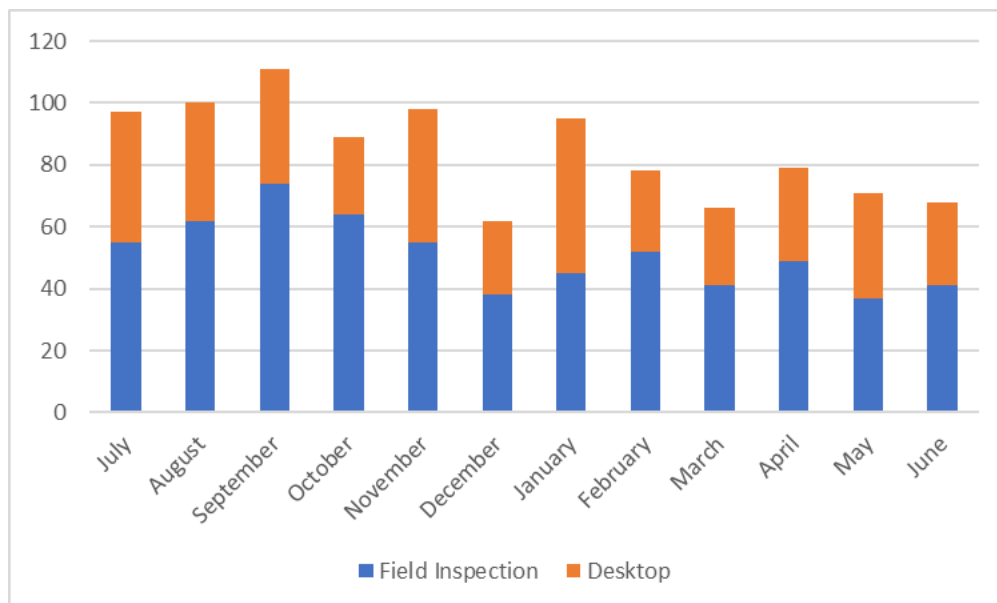


Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 25/07/2024 at the scale of 1:1,400,000.

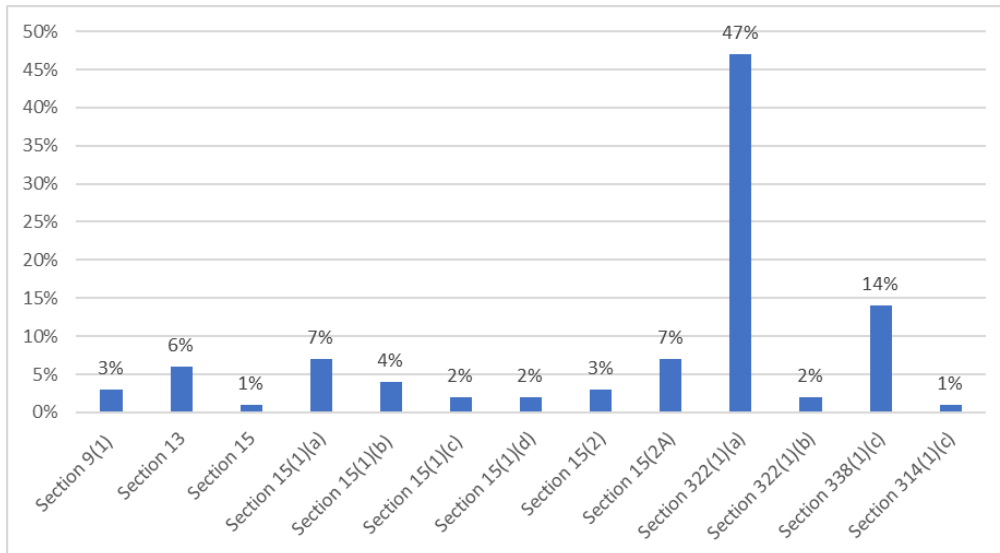
**Figure 16: Pollution Complaints by Type**



**Figure 17: Incident Response Type**

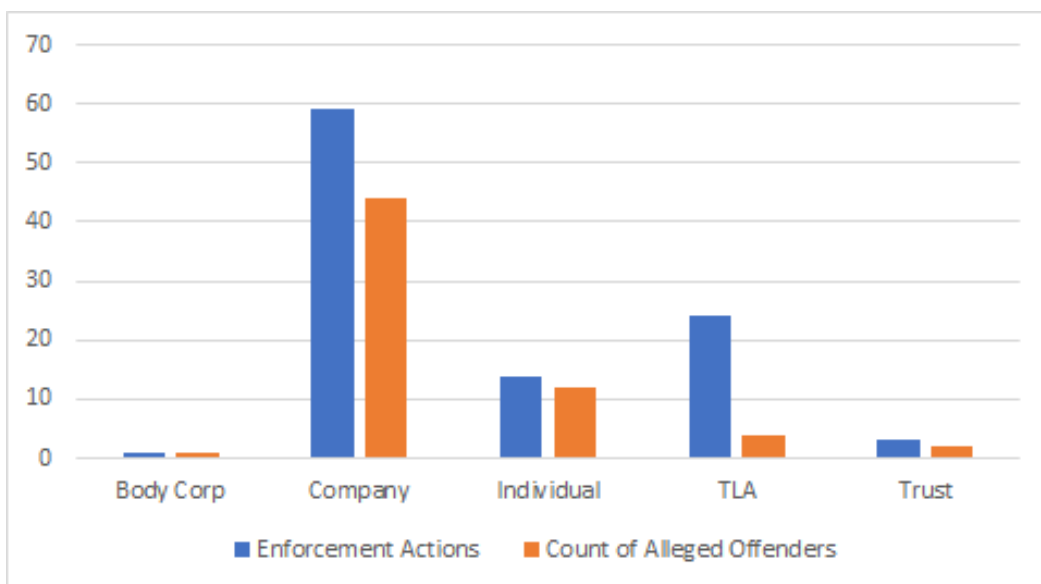


**Figure 18: Enforcement Offences**



Offence Description	RMA Section
Breach Restrictions On Land Use e.g Disturbance of land/discharge of contaminant to land	9
Breach Restrictions-Lake/River Bed Uses e.g. Disturb riverbed	13
Breach Water Restrictions e.g. Water take breach/Ground water take	14
Discharge Of Contaminants Water e.g. Sediment to water/WWTP discharge breaches	15(1)(a)
Discharge of Contaminants onto-into land that may result in that contaminant entering water	15(1)(b)
Discharge of Contaminates into the environment from industrial and trade premises into air	15(1)(c)
Discharge of Contaminates into the environment from industrial and trade premises onto land	15(1)(d)
Discharge Of Contaminant In On To Air Or Land e.g. Outdoor Burning	15(2) & 2A)
Duty to avoid, remedy, or mitigate adverse effects	17
Abatement Notice	322
Contravention Of Abatement Notice	338(1)(c)
Enforcement Order issued as a decision of the Environment Court	314(1)(c)

Figure 19: Enforcement by Offender Type





## 9.2. Consent fee fund

<b>Prepared for:</b>	Regional Leadership Committee
<b>Report No.</b>	ENV2405
<b>Activity:</b>	Governance Report
<b>Author:</b>	Alexandra King, Manager Consents
<b>Endorsed by:</b>	Joanna Gilroy, General Manager Environmental Delivery
<b>Date:</b>	28 August 2024

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### PURPOSE

- [1] The purpose of the report is to update the Committee on the activities that have been funded under the Consents Fee Support Fund from 1 July 2023 to 31 June 2024 and make recommendations to make minor corrections to the policy.

### EXECUTIVE SUMMARY

- [2] In 2021 Council approved a policy and associated fund to provide financial support for projects which have an environmental benefit but require resource consent. This report summarises the consent applications that received funding support under this policy in the 2023/2024 financial year.
- [3] A total of nine applications received funding support in the 2023/24 financial year, ranging from wetland planting to creating cycle ways. This is the same number of applicants as the previous financial year. No applications were declined funding.
- [4] A copy of the policy is attached for reference and staff are not recommending any changes to the policy beyond minor corrections.

### RECOMMENDATION

*That the Regional Leadership Committee:*

- a) **Notes** the update on consent applications that received funding support in the 2022/23 financial year and that minor changes to the policy are proposed.
- b) **Adopts** the recommended changes to the Resource Consent Fees Support Policy being: Corrections to job titles, dates and minor grammatical errors.
- c) **Notes** that the adopted policy changes will be referred to full Council for final approval.

### BACKGROUND

- [5] During LTP deliberations in 2021 staff were requested to develop a policy for assisting with resource consent processing costs for environmental enhancement projects. An annual budget of \$50,000 was included for this purpose. Funding for this policy has been provided for the first three years of the new LTP 2024-2034.
- [6] The policy was updated in 2022 to widen the scope to include covering processing costs for applications from individuals and compliance and monitoring related costs if full compliance was maintained. As part of the annual review of the policy, no changes beyond minor corrections are proposed as the policy is working effectively in its current

form. The criterion in the policy is still relevant to the new strategic directions and new Long-Term Plan. A copy of the existing policy with the proposed changes shown and a copy with these changes accepted are included as attachments 1 and 2.

- [7] Staff have promoted the fund and actively encouraged applicants to seek financial support if they meet the criteria set in the Policy.

## DISCUSSION

- [8] The Consents Team and other Council Teams have promoted the consent fund when working with applicants, speaking at workshops and by ensuring that other teams promote it whilst out in the field and talking to the community.
- [9] During the 2023/2024 financial year nine applications for funding support were received. None of these were declined and we fully funded. This is the same number of applications from the previous year. Table 1 provides detail on these projects including the costs covered by the fund.

*Table 1: Summary of applications which used the consent fund 2023-2024*

<b>Applicant</b>	<b>Reason</b>	<b>Location</b>	<b>Cost</b>
Manuherekia Catchment Group Incorporated	Variation to the Thomson's Creek Catchment Project phase 3 – construct fish barriers and galaxiid protection. The Thomson's Catchment Project includes establishing a functioning wetland to improve freshwater quality.	Omakau	\$3,808
Eckholds	Damming consent to enhance bird life, recreational use and wider community use including school groups, play centres, rest homes, and the general public	Oamaru	\$8,843
Otago Youth Adventure Trust Incorporated	Disposal of treated wastewater to land for an outdoor adventure camp	Papatowai	\$6,407 but still in progress
Coastal Communities Cycle Connection	Pre application discussion about consent requirements for extension to cycle way within a riverbed	Waikouaiti to Port Chalmers	\$1,066
Glenorchy Trails Trust	Construction of a single span cycle and pedestrian bridge over Buckler Burn	Glenorchy	\$1,984
Dunedin City Council	Bylaw for planting a variety of plants on the Silver Stream true left bank between Wingatui Road and Gordon Road	Mosgiel	\$489

Hawksburn Station Limited	Remove willow from banks for the purpose of stream restoration	Earnsclough	\$6,075 but still in progress
Te Runaka Otakou Limited	Bylaw to enhance the ecological value within two wetland regions at Otokia. The work will be done by the Rūnaka’s Te Nukuroa o Matamata project, as a Jobs For Nature project.	Henley	\$2,496
Ida Valley Catchment Group Inc	Pre application for willow Removal from the Poolburn Gorge to enable replanting with native species	Poolburn	\$2,198
<b>Total</b>			<b>\$33,371</b>

**OPTIONS**

[10] There are three options available as it relates to Policy.

**Option 1 – recommended option. The Committee endorses the recommended changes to the policy.**

[11] The changes to the policy are endorsed as they are minor in nature to reflect correct dates and new job titles.

[12] There are no clear disadvantages to this option.

[13] The advantages of this option are that it ensures the policy is correct and can continue to be implemented. Making the changes would also enable the fund to continue to operate in advance of a wider project looking at all environmental funding to be completed ahead of year 2 of the LTP.

**Option 2 – The Committee recommends no changes to the Policy.**

[14] The disadvantages of not making the corrections, is that the policy will have minor errors in it and will not have the correct job titles in it. This may cause confusion for those applying under the policy. There are no clear advantages of this option.

**Option 3 – The Committee recommends other changes and endorses the Policy.**

[15] Any advantages or disadvantages will depend on the nature of any additional changes sought by the Committee.

**CONSIDERATIONS**

**Strategic Framework and Policy Considerations**

[16] The policy and fund are consistent with the ORC Strategic framework. This includes supporting our vision for Otago including:

- a. An environment that supports healthy people and ecosystems
- b. A sustainable way of life for everyone in Otago

**Financial Considerations**

[17] Budget for this is included in the first three years of the new Long-Term Plan.

[18] A budget of \$50,000 was provided for the fund annually.

**Significance and Engagement**

[19] As this is a report for noting consideration of the Significance and Engagement Policy is not required.

**Legislative and Risk Considerations**

[20] A number of legislative requirements govern the activities of the Regulatory Group.

[21] There are no climate change considerations associated with this report. However, applications that receive fee support may be ones which seek to address or relate to projects around climate change.

**Communications Considerations**

[22] The fund has been previously promoted and will be promoted again now that we are in the new financial year.

[23] Communication with the Otago community occurs on a regular basis to educate and inform people on regulatory matters. Potential applicants are advised of this fund and their ability to use it as part of pre-application discussions. This will continue to happen. Information is also available on our website.

**NEXT STEPS**

[24] The Committee will be provided with an update at the end of the next financial year.

[25] Staff will advertise that the fund is available for this financial year.

[26] A media release will be issued about the fund and projects it has supported during the financial year.

**ATTACHMENTS**

1. Financial Support for Resource Consent Processing Fees Environment [9.2.1 - 5 pages]
2. Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects (track ch [9.2.2 - 5 pages]




## Otago Regional Council

### Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects

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July 2024

	<b>Document Name:</b> Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects
	<b>Document Owner:</b> General Manager Environmental Delivery
	<b>Authorised By:</b> Council
	<b>Implementation Date:</b> 1 July 2024
	<b>Review Period:</b> Annual
	<b>Last Reviewed:</b> 1 July 2022
<b>Next Review:</b> 1 July 2025	

1. INTRODUCTION .....1  
2. PURPOSE.....1  
3. SCOPE .....1  
4. DELEGATIONS .....1  
5. CRITERIA .....1  
6. PROCESS .....2  
7. RELATED DOCUMENTS.....3

## 1. INTRODUCTION

---

The Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects Policy provides guidance to those groups wishing to apply for support for a project which requires a resource consent. The policy confirms the Council's support for qualifying groups who are delivering environmental enhancement projects which are consistent with the Council's Strategic Directions or priorities listed in other statutory documents.

## 2. PURPOSE

---

The purpose of the policy is to give clear direction to applicants seeking support for resource consent processing fees for environmental enhancement projects.

## 3. SCOPE

---

The scope of this policy is limited to resource consent processing fees associated with applications made by qualifying groups for eligible environmental enhancement projects. The following costs are not within scope of this policy and will not qualify for support:

- work required in response to any actual or potential enforcement action
- administrative charges and annual consent monitoring fees associated with a granted consent
- costs associated with retrospective consents
- any costs incurred by the applicant in the preparation of the application
- costs associated with the Implementation of the activity for which consent is sought.

In addition fees support will not be provided for a publicly notified application or costs associated with a hearing for a limited notified application.

## 4. DELEGATIONS

---

Decisions on applications for fees support will be made by the General Manager Environmental Delivery. The final decision is at Council's discretion and will be considered on a case-by-case basis. Approval of fees support is entirely at the discretion of Council and is subject to budget availability. There is no objection or appeal rights.

Budget availability and an indication of support for any application will be provided by staff at the required pre-commencement meeting.

## 5. CRITERIA

---

To qualify for fees support the application for consent must be lodged by a not-for-profit individual or organisation such as:

- Catchment Groups
- Community groups
- Iwi/hapu groups

- Incorporated societies
- Community trusts
- Resident and ratepayer groups
- Educational institutes

and they must be able to demonstrate that their activity will deliver an environmental enhancement or service. For example, it:

- Supports or delivers improved water quality in Otago
- Supports or delivers improved air quality in Otago
- Supports or delivers improved biodiversity outcomes in Otago
- Protects the Otago environment
- Enhances the Otago environment
- Promotes the Otago environment (e.g. does it inform or create an awareness in the community or educate people?)

The project must also be consistent with Council's priorities as set in the Strategic Directions, Long Term Plan or other ORC statutory documents.

Decisions on applications for fees support will be made by the General Manager Environmental Delivery, who may approve or decline the application. No further consideration of the application will be undertaken following issue of the final decision. There are no objection or appeal rights.

The maximum amount of support offered for consent processing fees on an individual project will be \$10,000. Costs over and above this amount will be payable by the applicant in accordance with ORC's Fees and Charges Schedule. Applicants will have the right to object to these additional fees under the standard provisions of section 357B of the Resource Management Act.

Consent processing fees support is a first come first served process. If the allocation is exhausted no further applications will be considered until the following financial year.

## 6. PROCESS

---

In order to receive consent processing fees support the group or individual applying for the consent must lodge a written request to the General Manager for processing fees to be supported before the application for consent is submitted to Council for processing. The relevant application form can be found on the ORC website. Information required to enable consideration of the application includes:

- how it meets the criteria in the policy; and
- confirmation that the group is a not for profit group and there is no commercial gain; and
- confirmation that a pre-application meeting has been or will be held with ORC consent staff prior to lodgement of the consent application.

Written confirmation of acceptance for support will be provided to the applicant within 10 working days of the request being received. This confirmation letter should be included with the application material at the time the consent application is lodged.



## 7. RELATED DOCUMENTS

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- Resource Consent Fees Support Application Form
- Ecofund Funding Checklist and Application form (Note: your project may qualify for additional support from ORC)
- Revenue and Financing Policy




## Otago Regional Council

### Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects

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~~July 2021~~ July 2024

	<b>Document Name:</b> Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects
	<b>Document Owner:</b> General Manager <a href="#">Regulatory Environmental Delivery</a>
	<b>Authorised By:</b> Council
	<b>Implementation Date:</b> <del>1 July 2021</del> <u>1 July 2024</u>
	<b>Review Period:</b> Annual
	<b>Last Reviewed:</b> <del>1 July 2022</del>
<b>Next Review:</b> 1 July 2025 <del>2</del>	

- 1. INTRODUCTION ..... 1
- 2. PURPOSE ..... 1
- 3. SCOPE..... 1
- 4. DELEGATIONS ..... 1
- 5. CRITERIA..... 1
- 6. PROCESS..... 2
- 7. RELATED DOCUMENTS ..... 3

## 1. INTRODUCTION

---

The Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects Policy provides guidance to those groups wishing to apply for support for a project which requires a resource consent. The policy confirms the Council's support for qualifying groups who are delivering environmental enhancement projects which are consistent with the Council's Strategic Directions or priorities listed in other statutory documents.

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The purpose of the policy is to give clear direction to applicants seeking support for resource consent processing fees for environmental enhancement projects.

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- work required in response to any actual or potential enforcement action
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- costs associated with retrospective consents
- any costs incurred by the applicant in the preparation of the application
- costs associated with the Implementation of the activity for which consent is sought.

In addition fees support will not be provided for a publicly notified application or costs associated with a hearing for a limited notified application.

## 4. DELEGATIONS

---

Decisions on applications for fees support will be made by the General Manager [Regulatory and Communications](#)[Environmental Delivery](#). The final decision is at Council's discretion and will be considered on a case-by-case basis. Approval of fees support is entirely at the discretion of Council and is subject to budget availability. There is no objection or appeal rights.

Budget availability and an indication of support for any application will be provided by staff at the required pre-commencement meeting.

## 5. CRITERIA

---

To qualify for fees support the application for consent must be lodged by a not-for-profit individual or organisation such as:

- Catchment Groups
- Community groups
- Iwi/hapu groups

- Incorporated societies
- Community trusts
- Resident and ratepayer groups
- Educational institutes

and they must be able to demonstrate that their activity will deliver an environmental enhancement or service. For example, it:

- Supports or delivers improved water quality in Otago
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The project must also be consistent with Council's priorities as set in the Strategic Directions, Long Term Plan or other ORC statutory documents.

Decisions on applications for fees support will be made by the General Manager [Regulatory and Communications Environmental Delivery](#), who may approve or decline the application. No further consideration of the application will be undertaken following issue of the final decision. There are no objection or appeal rights.

The maximum amount of support offered for consent processing fees on an individual project will be \$10,000. Costs over and above this amount will be payable by the applicant in accordance with ORC's Fees and Charges Schedule. Applicants will have the right to object to these additional fees under the standard provisions of section 357B of the Resource Management Act.

Consent processing fees support is a first come first served process. If the allocation is exhausted no further applications will be considered until the following financial year.

## 6. PROCESS

---

In order to receive consent processing fees support the group or individual applying for the consent must lodge a written request to the General Manager for processing fees to be supported before the application for consent is submitted to Council for processing. The relevant application form can be found on the ORC website. Information required to enable consideration of the application includes:

- how it meets the criteria in the policy; and
- confirmation that the group is a not for profit group and there is no commercial gain; and
- confirmation that a pre-application meeting has been or will be held with ORC consent staff prior to lodgement of the consent application.

Written confirmation of acceptance for support will be provided to the applicant within 10 working days of the request being received. This confirmation letter should be included with the application material at the time the consent application is lodged.

## 7. RELATED DOCUMENTS

---

- Resource Consent Fees Support Application Form
- Ecofund Funding Checklist and Application form (Note: your project may qualify for additional support from ORC)
- Revenue and Financing Policy

### 9.3. Flood Drainage Schemes Liaison Group

**Prepared for:** Regional Leadership Comm  
**Report No.** GOV2423  
**Activity:** Governance Report  
Kirsten Tebbutt Principal Strategic Advisor  
**Author:** Pam Wilson Team Leader Infrastructure  
Michelle Mifflin Manager Engineering  
**Endorsed by:** Tom Dyer, General Manager Science and Resilience  
**Date:** 28 August 2024

---

#### PURPOSE

- [1] To seek endorsement of a proposed draft terms of reference and approach to establish Flood and Drainage Scheme Liaison Groups.

#### EXECUTIVE SUMMARY

- [2] This paper sets out a proposal to establish Taieri Flood and Drainage Scheme Liaison Group including a Draft Terms of Reference for Committee consideration.
- [3] The paper also considers the value of Liaison Groups for Otago Regional Council's other Flood and Drainage Schemes. It recommends that Liaison Groups are established for the Lower Clutha Flood Protection and Drainage Scheme and the Tokomairiro Drainage Scheme over the next two years. Finally, it recommends an approach for establishing Liaison Group Membership.

#### RECOMMENDATION

*That the Regional Leadership Committee:*

- a) **Notes** the approach and scope outlined to establish Otago Regional Council Liaison Groups for Flood Protection and Land Drainage schemes.
- b) **Notes** the staff recommendation to establish three Liaison Groups for Flood and Drainage Schemes covering the Lower Taieri, Lower Clutha and Tokomairiro Schemes with the priority being the establishment of the Lower Taieri Liaison Group in the 2024 calendar year.
- c) **Notes** the staff recommendation to establish the community representative members of Liaison Groups through a General Meeting of Scheme Ratepayers.
- d) **Notes** the draft terms of reference for discussion at the first meeting of the Liaison Group.
- e) **Notes** that reports will be prepared for future meetings to seek a nominated Councillor for the group and to approve the final terms of reference.

#### BACKGROUND

- [4] Council owns and manages three flood protection schemes and three drainage schemes as well as a combined flood protection and drainage scheme.
- [5] They are the; Alexandra Flood Protection Scheme, the Leith Flood Protection Scheme, the Lower Clutha Flood Protection and Drainage Scheme, the Lower Taieri Flood Protection Scheme, the West Taieri Drainage Scheme, the East Taieri Drainage Scheme and the Tokomairiro Drainage Scheme.
-

- [6] The council also owns but commissions external management for parts of the Lower Waitaki River Control Scheme.
- [7] The council also owns the Stoney Creek Flood Protection Scheme and the Lower Shotover Training Line which are maintained under river management. These structures provide a function to reduce flows, catch debris flow and direct river flows to reduce erosion and sedimentation effects (Shotover).
- [8] The majority of the schemes were initially built to provide protection to local communities and agriculture on the adjacent floodplains. These benefits include access to key transport infrastructure such as Dunedin Airport and State Highways, and protection of critical lifeline networks such as electricity substations. The schemes are essential to managing risks to communities associated with natural hazards, empowering economic prosperity and contributing to community resilience and well-being.
- [9] Central Government investment into flood protection and drainage projects ceased after the 1989 local government reforms, leaving it up to local ratepayers to develop and maintain the schemes. The schemes developed and constructed prior to this were largely funded by central government. There remains an ongoing need to operate and maintain these assets, ensuring the benefits they provide remain to be utilised.





[10] The following table (from the LTP 2024 – 2026) outlines the rates allocation for each flood protection, drainage or river control scheme.

Scheme	Rate Allocation	
	General	Targeted
Alexandra Flood Protection Scheme	20%	80%
Lower Taieri Flood Protection Scheme	20%	80%
East Taieri Drainage Scheme	10%	90%
West Taieri Drainage Scheme	10%	90%
Tokomairiro Drainage Scheme	20%	80%
Leith Flood Protection Scheme	20%	80%

Lower Clutha Flood Protection and Drainage Scheme	Flood: 20% Drainage: 10%	Flood: 80% Drainage: 90%
Stoney Creek Flood Protection Scheme	Rated as part of 'River Management – Queenstown Lakes' (100% targeted).	
Lower Waitaki River Control Scheme (established and managed by Environment Canterbury)	Rated as part of 'River Management – Waitaki' (100% targeted).	

- [11] There are several targeted rating schemes that may benefit from a liaison group however, the initial approach will be to establish the Lower Taieri and Lower Clutha liaison groups. This is set out further in the paper.

### History of Liaison Groups at ORC

- [12] There were previously two liaison groups; the Lower Clutha Liaison Group and the West Taieri Drainage Liaison Group.
- [13] The purpose was to provide ratepayer representation, liaison and input into the scheme management.
- [14] Ratepayer representation was predominately by rural landowners within the schemes.
- [15] The membership included Territorial Authority (Lower Clutha only), Councillors, ORC and landowners from respective 'sub-groups' across the schemes.
- [16] The membership did not include; Mana Whenua, large infrastructure providers such as Dunedin Airport or Community Board representatives.
- [17] Both liaison groups were discontinued 28th October 2014<sup>1</sup>
- [18] The Lower Waitaki River Control Scheme has a liaison group. It is represented by rural landowners. The liaison group holds annual meetings held generally in December. Attendance to the meetings includes representation from rural landowners, urban landowners, Environment Canterbury (ECan), ORC, both ORC and ECan Councillors, Meridian Energy and the Department of Conservation and others. The meeting discusses the annual plans, budgets, progress and issues.

## DISCUSSION

### The case for Liaison Groups

- [19] From approximately 2019 onwards, following the discontinuation of previous liaison groups, the Council has been undertaking annual drop-in sessions in Balclutha, Mosgiel and Outram to engage with the community on activities undertaken across the schemes. While this has had some success, the approach has had some limitations.
- [20] The drop-in style sessions were originally designed to provide the community with access to relevant functional delivery across the schemes, such as capital project

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<sup>1</sup> Source reports A690759 and A690724

updates, operational maintenance, and to gather feedback on concerns and/or challenges the community may have.

- [21] The limitations raised from feedback with the community was that the drop-in style format did not provide an opportunity to discuss in detail the expenditure and decisions on some work programmes for both capital and operational work or have input into future work programmes.
- [22] During the recent Long Term Plan process Council requested that staff report back to the Regional Leadership Committee to confirm a process for the establishment of Liaison Groups including a draft terms of reference.
- [23] Re-establishment of the Liaison Groups in today's environment with a fit for purpose framework will allow Council to strengthen its relationship with the community, improve the community's connection with the infrastructure and discuss the significant issues that we face together in providing optimal flood protection and land drainage schemes.
- [24] The opportunity for the establishment of liaison groups in the current environment, allows for an approach which is inclusive of the broader community. To ensure appropriate representation and encourage meaningful outcomes that align with the objectives set out in the Terms of Reference, the group should be a representative group that encompasses different ratepayer interest groups, land uses activities, and rating categories, and which recognises the geographical extent of the schemes. The potential to have other key infrastructure owners, and/or lifeline utilities as members of the liaison groups or as standing attendees will ensure a diverse consideration of the multiple beneficiaries of the schemes in the face of the significant issues identified in Figure 2.



**Figure 2: Significant issues identified in the Infrastructure Strategy 2024 – 2054**

**Purpose of Liaison Groups with Council in current environment**

- [25] The role of the liaison groups will be to discuss capital and operating matters, funding, strategic issues and future work programmes relating to the schemes. Establishing the liaison group will provide an effective communication forum and liaison between scheme ratepayers, stakeholders, and ORC.
- [26] The Terms of Reference are crucial to the success of a Liaison Group as these set out the key principles and appropriate way of operating between community and Council. A proposed draft Terms of Reference is attached to this paper.
- [27] Liaison Groups will be formed as informal bodies. The liaison groups have no statutory powers or functions, nor is it proposed that they are delegated any functions or powers of the Council in relation to flood protection and/or drainage.
- [28] The establishment of the liaison groups will facilitate a connection between the community and Council to work on management of scheme assets, which enables a collaborative approach on the significant issues which have been identified in the Infrastructure Strategy.
- [29] The establishment of the liaison group will not preclude ORC staff undertaking from time-to-time separate engagement on specific topics and matters that are relevant to the scheme communities.

**Mana whenua involvement**

- [30] Through the strategic directions confirmed during the recent Long Term Plan process, the ORC has reaffirmed its commitment to partnering with mana whenua. Accordingly it is appropriate to offer a place on the liaison groups to a mana whenua representative. Staff will engage with Aukaha and Te Ao Marama on this matter to determine whether mana whenua have an interest in being members of liaison groups or have an alternative preference for engaging on the planning and delivery of flood and drainage infrastructure.

**Which Schemes need Liaison Groups**

- [31] When considering the establishment of Liaison Groups, the following information was taken into account:
  - The scale of the scheme. Scale referring to the key infrastructure within that scheme and the number of assets across the scheme
  - The targeted rate base around that scheme
  - The criticality of the infrastructure associated with that scheme
  - The community feedback received for the reinstatement or formation of the Liaison Groups
- [32] The table below sets out the information considered with recommendations to phase the Liaison Groups

Scheme	No. of Targeted Rate Payers*	Liaison Group consideration	Recommendation and Timing	Infrastructure Assets
<b>Alexandra Flood Protection</b>	12,365**	The rate payers for the Alexandra Scheme are targeted rates applied across a district base as opposed to	Possible combined community meetings with	Floodbanks: 1 km Pump Stations: 3

Scheme	No. of Targeted Rate Payers*	Liaison Group consideration	Recommendation and Timing	Infrastructure Assets
<b>Scheme</b>		benefit based. A liaison group may not have the same impact due to the wider rate payer base and scale of the scheme and associated operational expenditure relative to other schemes.	CDEM and Natural Hazards including Contact Energy Limited  <i>Note: The relationship with Contact Energy Limited is key as they are a financial contributor.</i>	
<b>Leith Flood Protection Scheme</b>	44, 076 (both direct & indirect)	The rate payers for the Leith Scheme are targeted rates applied across a district base as opposed to scheme benefit base. A liaison group may not have the same impact due to the wider rate payer base and scale of the scheme and associated operational expenditure relative to other schemes.	Possible combined community meetings with CDEM and Natural Hazards  <i>Note: ORC holds relationships with stakeholders (e.g., Polytech, UoO) which have regular communications.</i>	Concrete or rock weirs: 29 Debris traps: 2 Concrete/stone walls: 2.2 km Concrete/stone channels: 2.8 km Rock retaining walls: 1.7 km Gabion basket walls: 200 m
<b>Lower Clutha Flood Protection and Drainage Scheme</b>	2,572	Scheme has a large number of critical infrastructure. The scheme is active with operational function and weather/flood response. Liaison Group would strengthen the knowledge between both ORC and Community.	Recommend establishment in phase 2 – approx 2025/26	Floodbanks: 110 km Open Drains: 153 km Pump Stations: 5 Culverts: 189 Bridges: 4
<b>Lower Taieri Flood Protection Scheme (LTFPS)</b>	5,229	Scheme has a large number of critical infrastructure for flood protection and land drainage combined across 3 schemes. Liaison Group would strengthen the knowledge between both ORC and Community.	Priority 2024	Floodbanks: 107 km
<b>West Taieri Drainage Scheme</b>	583		Priority 2024	Open Drains: 144 km Pump Stations: 3 Culverts: 22 Bridges: 20
<b>East Taieri Drainage Scheme</b>	2,396		Priority 2024	Open Drains: 128 km Pump Stations: 3 Culverts: 84 Bridges: 1
<b>Tokomairiro Drainage Scheme</b>	1,216	Scheme has drainage network and complex interfaces with coastal and inland waterbodies. Liaison Group could strengthen the knowledge on this scheme for the Clutha District Council and Community.	Recommend establishment in phase 2 – approx 2025/26	Open Drains: 110 km Culverts: 74 Bridges: 17
<b>Lower Waitaki River Control Scheme****</b>	9,266***		Established. This is managed by Ecan	Groynes: 8 Cross-banks: 6 Trees: 22 km

\*No. of rate payers not the number of rating units.

\*\* Represents the entire district after Contact Energy contribution.

\*\*\*Represents the entire district

\*\*\*Note that only a portion of the Lower Waitaki River Control Scheme is located within Otago. The floodways are managed as part of the river management infrastructure portfolio.

**Table 1 Liaison Group consideration with asset portfolio summary for flood protection and drainage schemes across Otago.**

[33] Broader engagement has not been undertaken with an engagement strategy across Otago communities to assess the desire for liaison groups across all schemes. However, engagement through the recent LTP Consultation process highlighted the strong desire of the Lower Taieri community to establish a liaison group.

[34] This has resulted in the recommendation to prioritise the establishment of the Lower Taieri Flood and Drainage Liaison Group.

**Establishment of Liaison Groups**

[35] It is proposed to establish the Lower Taieri Flood and Drainage Liaison Group in the 2024 calendar year.

[36] Establishing Liaison Groups for Lower Clutha and Tokomairiro schemes is recommended for the 2025/26 financial year using lessons taken from the establishment of the Taieri group.

[37] It is proposed that liaison group decision making will not be final or binding for ORC. The Liaison Groups input will be incorporated into Annual and Long Term Planning processes with final decision making sitting with Council. This is due to the risks associated with flood and drainage assets. Staff recommend that final decisions on investment and management of these critical assets remain the responsibility of the Council.

[38] Establishing the liaison groups could be done through two possible processes:  
a) Call a General meeting of Scheme Rate Payers, calling for nominees from the floor (or earlier nominations in writing) and undertaking a general meeting style voting process at the meeting, or;  
b) call for nominations from rate payers, either by public meeting or in writing and establishing a committee to select the final membership from the pool of nominees. The committee membership could be made up of elected members.

[39] Generally, option a) would enable a faster and a more transparent process for interested ratepayers than option b). Staff recommend option a).

[40] It is anticipated that ORC will provide administrative assistance for the liaison group. Any additional resources required by liaison groups will be subject to operating budgets approved through the annual plan process.

**OPTIONS**

**Number of Liaison Groups**

[41] There are three options available for the establishment of liaison groups.  
a) Option A recommended by staff is to prioritise the establishment of the lower Taieri Flood and Drainage Liaison Group in 2024 with the establishment of groups for Lower Clutha and Tokomairiro being planned for the 25/26 financial year.

- b) Option B is not to endorse the establishment of liaison groups.
- c) Option C is to endorse the establishment of liaison groups on a different timeframe to that recommended by staff.

#### **Liaison Group Establishment Process**

- [42] The options to consider for the process to establish Liaison Groups are:
- a) Option A recommended by staff is to call a general meeting of scheme ratepayers, seek nominations and call a vote to establish liaison group membership (if necessary).
  - b) Option B is to seek nominations from scheme ratepayers and appoint a committee to select final membership. This committee could be made up selected Councillors.
  - c) Option C is that the Committee recommends an alternative method for seeking community members for the liaison group.

### **CONSIDERATIONS**

#### **Strategic Framework and Policy Considerations**

- [43] The Liaison Groups will serve as a tactical communication plan for achieving ORC's strategic directions.

#### **Financial Considerations**

- [44] The costs of establishing a supporting the liaison groups is expected to be met within approved budgets.

- [45] In time it will be expected that the financial impacts are minimal as the meetings become a part of annual work programme cycles. Once the Liaison Groups are established, it is expected that staff time associated with preparing for and attending meetings will not be significant. There is capacity within the team to develop a Liaison Officer role going forward.

#### **Significance and Engagement**

- [46] The endorsement of the establishment of the Liaison groups does not trigger any engagement requirements under Councils Significance and Engagement Policy.

#### **Legislative and Risk Considerations**

- [47] There are no statutory obligations to be considered in the endorsement of the Liaison Groups by Council.

- [48] Infrastructure resilience has been identified as a Strategic Risk for ORC. The establishment of Liaison Groups supports the communication and awareness of this risk through the groups.

#### **Climate Change Considerations**

- [49] Climate change considerations have been discussed in the Draft Infrastructure Strategy 2024-2054. The development of the Liaison Groups will enable oversight to the management of the effects of future climate change on the ORC's assets in respect of flood risk, land drainage, and river management infrastructure.

#### **Communications Considerations**

- [50] The establishment of the Liaison Groups will require assistance and support from the ORC Communications team to ensure initial meetings are well publicised.
- [51] The information relating to the establishment and operation of Liaison Groups will be made publicly available on ORC's website. Additional communication will be undertaken at the recommendation of the liaison group.

**NEXT STEPS**

- [52] Subject to the Committee noting this report staff will begin to prepare the framework for the Lower Taieri Liaison Group establishment and progress the Draft Terms of Reference.
- [53] Work with the Communications team to establish a communication plan and online presence to inform relevant rate payers for the Liaison Groups.
- [54] Hold a community meeting before end of calendar year 2024 to socialise the establishment of the Lower Taieri Liaison Group and establish the community representatives.
- [55] Subject to the noting of this paper staff will prepare a paper later in 2024 to seek Councillor representation for the Lower Taieri Liaison Group.

**ATTACHMENTS**

1. Draft ToR Taieri Liaison Groups [8.3.1 - 5 pages]



# DRAFT Terms of Reference

## Lower Taieri Liaison Group Flood Protection & Drainage Schemes

### Purpose of Liaison Groups

Liaison Groups are informal committees established to:

- facilitate effective communication between the scheme ratepayers, key infrastructure providers and Otago Regional Council (ORC);
- be the 'eyes and ears' of the scheme community in relation to scheme performance and stakeholder satisfaction;
- provide feedback to the ORC through the liaison group on proposed scheme operational and capital programmes;
- provide feedback on the scheme levels of service;
- provide feedback on the development of infrastructure strategy, asset management plans and rating/funding proposals as relevant to the schemes.

### Liaison Group Status

The Groups shall be established by ORC and shall operate in accordance with these Terms of Reference. Liaison Groups have no authority to make decisions on behalf of ORC. However, issues or recommendations arising from Liaison Group meetings will either be addressed by the ORC or referred to the ORC's Safety and Resilience Committee or full Council as appropriate.

### Meeting Frequency

As agreed by members of the liaison committee, but no less that twice a year, to coincide with the development of draft annual plan budgets and following the receipt of public feedback on proposals prior to Council adoption. This will generally be between October and December and May and July. The time and location of meetings shall be agreed by representatives of the liaison group.

### Limits of Power

Members of the Liaison Group are able to submit on draft work programmes and rating proposals in the ORC's Annual Plan or Long-Term Plan. The Liaison Group has no authority to commit the ORC to any investment path or capital and operating expenditure.

The Liaison Group will operate in such a way as to not compromise the ORC's freedom to deliberate and make such decisions as it deems appropriate.

### Records

The Liaison Group shall maintain records including notices of meetings, agendas, reports to meetings, notes/minutes of meetings/site inspections; records of nominations, and election of members of the Liaison Group. This will be available online to the public.

### **Principles of Participation**

All members of the Liaison Group agree to participate in the following ways:

- contributions are made without prejudice – i.e. nothing said within the Group may be used in subsequent planning or legal processes except for any recommendations or agreements reached by the group;
- members shall show respect for others views and avoid promoting discord within the Group;
- any public statements by the Group are to be agreed by the Group and made through an agreed spokesperson;
- members of the Group are expected to support decisions and recommendations reached by consensus by the Group in subsequent public discussions; and
- the Chair is responsible for fostering the principles of participation and is expected to be respected as a leader in their role.

### **Terms of Reference**

1. Each Liaison Group should ideally consist of not less than five and not more than ten members and should provide a broad representation of ratepayers and land uses within the scheme area; geographical extent of the scheme; and major infrastructure providers. Additional or fewer members may be appointed according to the needs of a particular scheme, at the ORC's discretion.
2. It is desirable that there may be regular introduction of new members to ensure that new ideas are brought to the table and that there is some growth of scheme operational knowledge within the community.
3. Key infrastructure owners and lifeline utilities may also seek representation<sup>1</sup>.
4. ORC shall appoint a Councillor to be a formal representative on the Liaison Group. Other constituent Councillors from the area in which the scheme is located are entitled to attend Liaison Group meetings.
5. Other members will usually be confirmed or nominated by ratepayers at the Annual Scheme Ratepayers' meetings. Group membership will then be confirmed in writing by the ORC's Manager Engineering within a month following the meeting.
6. The ORC staff will arrange meetings of the Liaison Groups in consultation with the respective Group Chairs. Groups will meet at least twice per year and on other occasions as scheme issues dictate. In addition, a public annual general meeting will be held for each scheme and shall be chaired by the Chair of the Liaison Group.

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<sup>1</sup> Infrastructure providers that may seek to participate in the Group may include Dunedin International Airport Limited, Aurora, KiwiRail and NZ Transport Agency Waka Kotahi. In addition, Civil Defence and Emergency Management may also seek participation from time to time.

7. Agenda's will be advertised and circulated which will allow for the community to express and interest in speaking at the Liaison Group.
8. Minutes shall be kept of all Group meetings and should record discussion points and agreed actions.
9. The Liaison Group Chair, or in their absence their nominated substitute, will be invited to attend an annual meeting of all Liaison Group Chairs organised by the Chairperson of the ORC's Safety and Resilience Committee, where relevant.
10. Attendance by the Public will not have speaking rights, unless requested through the Liaison Group Chair. When the Agenda is set and advertised the matters to be considered must adhere to the timings set for inclusion.
11. The line of communication between Liaison Group members and the ORC will generally be through the ORC's appointed liaison officer.
12. A quorum for the Liaison Group will be 4 (four) members.
13. The term for the Liaison Group will be 3 years until the next triennial election.

**Attachment A: Table of proposed minimum representation**

Party	Minimum Representation across Parties	Comments
East Taieri	2	
West Taieri	2	
Dunedin International Airport	1	
Mosgiel Taieri Community Board	1	
ORC Councillor	1	
Total	7	

## **Attachment B: Standing Meeting Agenda**

Date

### **AGENDA**

1. Welcome
2. Apologies
3. Minutes of previous meeting
4. Chairpersons Report
5. Scheme Reports
6. Financial Reports
7. General
8. Any other Business

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