

## Regulatory Committee Agenda - 10 March 2022



Meeting will be held in the Council Chamber at Level 2, Philip Laing House  
144 Rattray Street, Dunedin (Councillors and staff only)

Members of the public may view the meeting live at: [Otago Regional Council YouTube Channel](#)

### Members:

Cr Gary Kelliher, Co-Chair	Cr Michael Laws
Cr Andrew Noone, Co-Chair	Cr Kevin Malcolm
Cr Hilary Calvert	Cr Gretchen Robertson
Cr Michael Deaker	Cr Bryan Scott
Cr Alexa Forbes	Cr Kate Wilson
Cr Carmen Hope	

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Dianne Railton, Governance Support

10 March 2022 11:00 AM

<b>Agenda Topic</b>	<b>Page</b>
1. APOLOGIES Cr Bryan Scott has tendered his apology for this meeting.	
2. 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.	
3. 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.	
4. PUBLIC FORUM Members of the public may request to speak to the Council. No requests were received prior to publication of the agenda.	
5. CONFIRMATION OF MINUTES The Committee will consider minutes of meetings a true and accurate record, with or without corrections.	3
5.1 <a href="#">Minutes of the 9 December 2021 Regulatory Committee Meeting</a>	3
6. ACTIONS (STATUS OF COMMITTEE RESOLUTIONS) There are no outstanding Actions for the Regulatory Committee.	
7. MATTERS FOR CONSIDERATION	6
7.1 <a href="#">HARBOURMASTER SUMMER ACTIVITY REPORT</a> The report provides an update on Harbourmaster activity and operations following the completion of the 2021/2022 summer season.	6

7.1.1	<a href="#">Attachment 1: Safer Boating 2021-2022 Communications Review</a>	10
7.2	<a href="#">REGULATORY GROUP - QUARTERLY ACTIVITY REPORT</a>	29
	The report updates the Committee on activities of the Regulatory Group between 1 July 2021 and 31 January 2022.	
7.2.1	<a href="#">Attachment 1: Regulatory Reporting for the Period 1 July 2021 to 31 January 2022</a>	38
8.	CLOSURE	



Minutes of a meeting of the  
Regulatory Committee held in the  
Council Chamber on  
Thursday 9 December 2021 at 9:00am

**Membership**

Cr Gary Kelliher (Co-Chair)  
Cr Andrew Noone (Co-Chair)  
Cr Hilary Calvert  
Cr Michael Deaker  
Cr Alexa Forbes  
Cr Carmen Hope  
Cr Michael Laws  
Cr Kevin Malcolm  
Cr Gretchen Robertson  
Cr Bryan Scott  
Cr Kate Wilson

**Welcome**

Chairperson Noone welcomed Councillors, members of the public and staff to the meeting at 9:00am. Staff present included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory and Communications), Amanda Vercoe (GM Governance, Culture and Customer), Dianne Railton (Governance Support), Jo Gilroy (Manager Consents), Tami Sargent (Manager Compliance), Steve Rushbrook (Harbourmaster), Simon Wilson (Manager Regulatory Data and Systems), and Alexandra King (Team Leader Consents - Coastal Otago).

## 1. APOLOGIES

No apologies were received. Cr Laws was absent. Cr Deaker attended via electronic link.

## 2. PUBLIC FORUM

No public forum was held.

## 3. CONFIRMATION OF AGENDA

There were no changes to the published agenda.

## 4. CONFLICT OF INTEREST

Cr Wilson and Cr Kelliher advised they would stand aside for item 7.3 Plan Change 7 and Consent Applications, due to a possible conflict of interest.

## 5. CONFIRMATION OF MINUTES

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

*That the minutes of the meeting held on 9 September 2021 be received and confirmed as a true and accurate record.*

**MOTION CARRIED**

## 6. ACTIONS

The status report on the resolutions of the Regulatory Committee was reviewed.

## 7. MATTERS FOR CONSIDERATION

### 7.1. Regulatory Group - Quarterly Activity Report

The report updated the Committee on activities of the Regulatory Group between 1 July 2021 and 31 October 2021. Richard Saunders (GM Regulatory and Communications), Jo Gilroy (Manager Consents), Tami Sargent (Manager Compliance), Steve Rushbrook (Harbourmaster), and Simon Wilson (Manager Regulatory Data and Systems) were present to speak to the report and respond to questions. Following discussion, Cr Wilson moved:

**Resolution REG21-107: Cr Wilson Moved, Cr Calvert Seconded**

*That the Committee:*

- 1) **Notes** the Quarterly Update Report from the Regulatory Group.
- 2) **Acknowledges** the improvements in compliance monitoring and enforcement for Mrs Gardner and her staff.

**MOTION CARRIED**

### 7.2. Territorial Local Authority Wastewater Treatment Plant Compliance Report

The report updated the Committee on the compliance of territorial local authority (TLA) wastewater treatment plants (WWTPs) and the actions that have been taken to achieve compliance. Richard Saunders (General Manager Regulatory and Communications) and Tami Sargent (Manager Compliance) were present to speak to the report and respond to questions. Ms Sargent said that the report provided an overview of consent compliance over the last 18 months, including a summary of results of the audits carried out, and advised that there have been substantial improvements. Mr Saunders said that the relationship between Compliance and TAs is much better. Following further discussion, Cr Wilson moved:

**Resolution REG21-108: Cr Wilson Moved, Cr Hope Seconded**

*That the Committee:*

- 1) **Receives** this report.
- 2) **Notes** that the Annual Compliance Report will include information on the compliance of wastewater treatment plants in the Otago region.

**MOTION CARRIED**

**7.3. Plan Change 7 and Consent Applications**

The report updated the Committee on the processing of applications relating to deemed permits and outline the implementation of the decisions version of Plan Change 7 (PC7). Richard Saunders (General Manager Regulatory and Communications), Jo Gilroy (Manager Consents) and Alexandra King (Team Leader Consents) were present to speak to the report and respond to questions.

*Cr Wilson and Cr Kelliher left the meeting due to a possible conflict of interest.*

Cr Calvert acknowledged the work undertaken by the Consents team, including templates for consents, supporting applicants with information, and pre-consent meetings.

**Resolution REG21-109: Cr Noone Moved, Cr Calvert Seconded**

*That the Committee:*

- 1) **Notes** this report.
- 2) **Requests** that staff provide Councillors with a quarterly update on progress to complete the processing of deemed permit replacement applications.

**MOTION CARRIED**

*Cr Wilson and Cr Kelliher returned to the meeting.*

**8. CLOSURE**

There was no further business and Chairperson Noone declared the meeting closed at 10:09am.

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Chairperson

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Date

### 7.1. Harbourmaster Summer Activity Report

**Prepared for:** Regulatory Committee  
**Report No.** REG2201  
**Activity:** Governance Report  
**Author:** Steve Rushbrook, Harbourmaster  
**Endorsed by:** Richard Saunders, General Manager Regulatory and Communications  
**Date:** 10 March 2022

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#### **PURPOSE**

- [1] The purpose of this report is to update Council on Harbourmaster activity and operations following the completion of the 2021/2022 summer season.

#### **EXECUTIVE SUMMARY**

- [2] Under the Maritime Transport Act (MTA) 1994 the Otago Regional Council (ORC) takes the role of Harbour Authority for the Otago Harbour and waterways and has committed to properly monitoring and managing maritime risk in the region.
- [3] In 2020 the transfer of Harbourmaster responsibilities for Lake Dunstan from Central Otago District Council back to ORC was completed. Over the recently completed summer period the Otago Harbourmaster undertook several on and off water engagements in both Coastal Otago and on Lake Dunstan.

#### **RECOMMENDATION**

*That the Committee:*

- 1) **Notes** this report on Harbourmaster activity over the 2021/2022 summer.

#### **BACKGROUND**

- [4] The Harbourmaster was re-established at ORC at the end of 2017. Since this time, the team has expanded to three staff and has a vessel (Kaitiaki), in which to undertake a number of its functions.
- [5] With the additional responsibility of Lake Dunstan in 2020, the team has a focus on increasing engagement with the Otago Community and other water users to promote navigational safety.

#### **DISCUSSION**

- [6] Over the 2021/2022 summer the Harbourmaster has completed several pieces of work which all contribute to delivering improved navigational safety across Otago. This work excludes waterways in the Queenstown Lakes area where the Harbourmaster functions are delegated to the Queenstown Lakes District Council.

#### **2021/2022 No Excuses National Boating Safety Campaign**

- [7] The Harbourmaster has been actively engaged in the campaign for the fourth year. This campaign involved the delivery of six days of on the water engagement in association with Maritime New Zealand.

- [8] This year the days were undertaken in Lake Dunstan (4 days), Otago Harbour and Karitane (1 day), and Taieri Mouth (1 day). We engaged with 101 recreational users to discuss and advise on boating safety.

#### **Port and Harbour Marine Safety Code**

- [9] Otago was reviewed by a panel of independent external assessors for its 3-yearly audit of the Port and Harbour Marine Safety Code (PHMSC) on 12 May 2021. The PHMSC is a national code that covers the operations of both the ORC Harbourmaster and Port Otago.
- [10] ORC was deemed compliant following the external review in 2021 and commended for the work it has carried out in collaboration with Port Otago to improve the PHMSC.

#### **Lake Dunstan**

- [11] This season we have spent 16 full days on the lake. Prior to the busiest period we placed/replaced 18 new swim area buoys to enhance the safety message from the water. We have another 16 to lay in the upcoming year.
- [12] Most of the on-water days coincided with the busy summer holidays which are the peak activity times ensuring the maximum number of engagements.
- [13] It was an extremely busy holiday period, with a notable uplift in usage of the lake, and the numbers of jet skis were higher than usual (a noted trend across the country).
- [14] Visual presence on the water was key and had a significant impact on people's boating behavior. Being present also allows for response to minor infringements and issues in a good timeframe.
- [15] On water support for spraying of aquatic weed was undertaken late February 2022.

#### **Media Engagement**

- [16] Over the recreational boating season (late October 2021 to early February 2022) we undertook a Safer Boating communications campaign. This campaign comprised of advertising across multiple platforms such as video streaming services, Google advertising, radio and print.
- [17] The key objective of the campaign was to ensure our communities are kept safe when out on the water each season. This was done through educating the community on key safer boating messages.
- [18] A comprehensive summary of the campaign is included as Attachment 1.
- [19] Overall, we are extremely satisfied with the results of this year's campaign. We have many new learnings to implement this summer and benchmarks to measure future campaigns.

### **Incidents**

- [20] Incidents are recorded following reports from third parties or after observations on the water. We have a new database for reporting navigational incidents and an ongoing education campaign to inform people of the requirements in this area.
- [21] All reported incidents to date have been in the minor category for this period.

### **Visitor Moorings**

- [22] The two visitors' moorings that were placed in Dunedin Harbour (2018) have been well received and have seen a continued increase in use this season with many visiting yachts and vessels utilizing this option for a safe refuge/mooring before continuing their travels.
- [23] Development of an online booking system for the visitor moorings will be live by the end of March 2022.

### **Boating Education**

- [24] A further Bar education evening was held this year and the Harbourmaster gave 5 presentations on boating safety and Harbourmaster activities.
- [25] We supported Professor Chris Button (Otago University) on his second Water Safety Study, looking at safety competences in kids aged 7-11. Attendance at these sessions was well received.
- [26] Harbour Community Advisory Group – meetings are now held annually. The last being well attended and a valuable information sharing forum for groups, commercial and recreational, based around Otago Harbour.

### **Kaitiaki**

- [27] The Harbourmaster vessel Kaitiaki has seen 360 Hours on the water since 1 July 2020. It is proving a great asset and has accessed various locations across the region. It has been commercially engaged to assist activity on a cost recovery basis and used on several occasions to support the work of ORC teams.

### **OPTIONS**

- [28] As this is a report for noting there are no options for consideration.

### **CONSIDERATIONS**

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

- [29] The Harbourmaster function continues to support the ORC's commitments to the community.

#### **Financial Considerations**

- [30] There are no financial considerations associated with this report.

#### **Significance and Engagement Considerations**

- [31] There are no significance and engagement considerations associated with this report.

**Legislative and Risk Considerations**

[32] The Harbourmaster continues to ensure that ORC meets its legislative considerations associated with this function.

**Climate Change Considerations**

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

**Communications Considerations**

[34] There are no communications considerations associated with this report.

**NEXT STEPS**

[35] The Harbourmaster function will continue to be delivered and updated will be provided to each Regulatory Committee meeting.

**ATTACHMENTS**

1. Safer boating 2021 22 Communications Review [7.1.1 - 19 pages]



# Safer boating communications campaign review



## What did we want to achieve?

The main objective of this campaign was to ensure our communities are kept safe when out on the water each season. This was done through educating the community on key safer boating messages.

This was an advocacy campaign where we wanted the messages to be heard and to encourage behaviour change rather than traffic to the website or direct engagement with ORC platform.

Engagement with the ORC website for more information was encouraged through advertising however this was a secondary message.

## Key messages

### **Safer boating code**

- Wear your lifejacket
- Take two waterproof ways to call for help
- Check the marine weather forecast
- Avoid alcohol
- Be a responsible skipper

### **Have a plan – prep check know**

- Prep your boat
- Check your gear
- Know the local rules and weather forecast

## Target audience

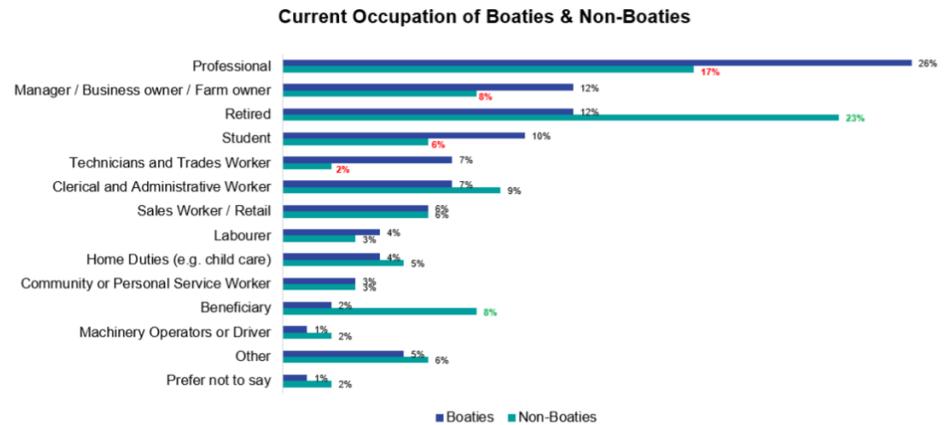
### Geographic breakdown

- Dunedin-coastal and harbour water users
- Central Otago (Lake Dunstan) water users
- Otago wide

### Demographics

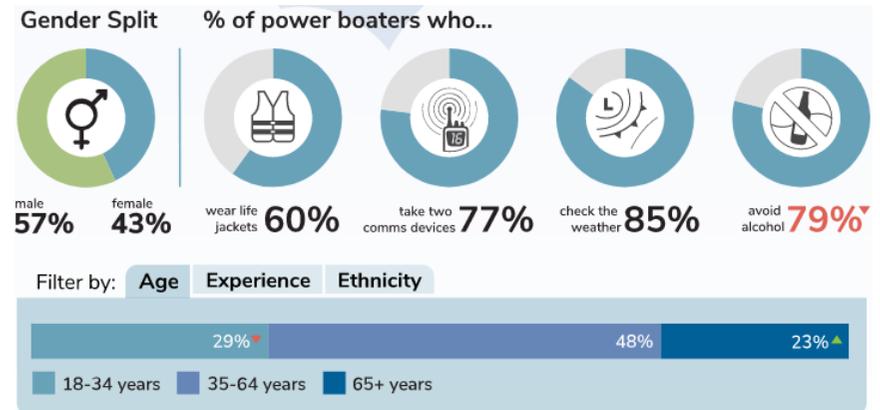
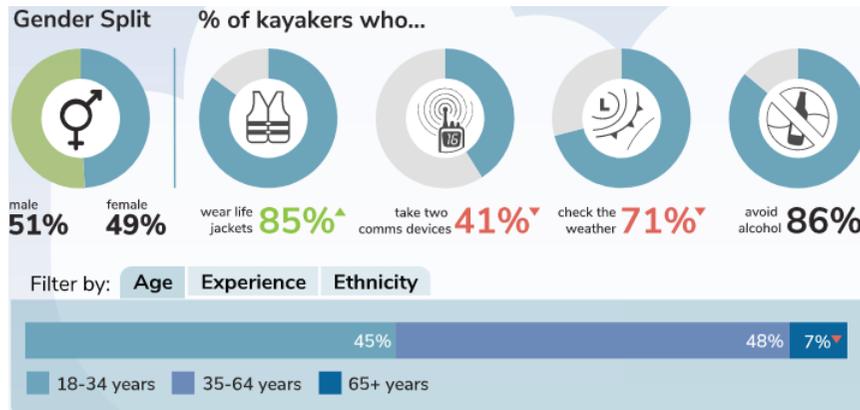
- Men make up 53% of boat users
- Men over 40 have a higher fatality rate
- Wide age range overall for water users (18-64)
- Kayaks, followed by power boats under 6m, were the most commonly used or owned recreational vessels.

### Maritime NZ statistics



# Target audience

## Maritime NZ statistics



## What we did

It's a basic marketing principle that it takes seven "touches" before someone will internalize and/or act upon your call to action. These touches are best delivered through a variety of methods, for the Safer Boating campaign we had the following touch points:

- Print
- Social media
- TV On demand
- Video adverts (YouTube)
- Google advertising
- Radio
- Face-to-face engagement (Harbourmasters out on the water)

# Print

The Holiday guide was inserted into Otago Daily Times, as well as directly delivered to all households within the distribution area of the Central/Wanaka News and Mountain Scene, on Wednesday 29th December.

ORC had a full-page spread including an advertorial for the Harbourmaster's team.

## Buoy oh buoy, upgrades for water safety at Lake Dunstan

**New buoys have been installed in Lake Dunstan to clearly mark swimming areas by the Otago Regional Council (ORC) Harbourmaster team.**

The replacement buoys mark designated swimming areas more clearly than the previous yellow buoys. These ones are white with the words "Swim area" written on them. The buoys are in place at Bannockburn, Westheal Creek, Old Cromwell, Lowburn Raft area and just up from McNulty Inlet.

"Lake Dunstan is busy area for lots of different water activities, and attracts people from all over the region, so small improvements like these can make things just that little bit

safer for everyone to enjoy their summer," said Harbourmaster Steve Rushbrook.

"We'll be out and about again this season to keep an eye on things and to make sure people are sticking to the safer boating code."

The safer boating code highlights five key things to stay safe on the water:

- Wear your lifejacket
- Take two waterproof ways to call for help
- Check the marine weather forecast
- Avoid alcohol
- Be a responsible skipper

One way the Harbourmaster's team will be checking in on this around the region is through Maritime New Zealand's No

Excuses campaign. This is the fourth year ORC will be taking part. They'll be checking in to make sure boaties are following the boat code safety rules and local bylaws including wearing a lifejacket and safe speed.

"Last year we surveyed 128 people and had some really positive interactions. We're hoping to see everyone keeping up the good work this summer," said the Harbourmaster.

The team will also be hitting up hot spots around the region and attending events to spread the safety message.

You can find more information on safer boating and Otago Navigation Safety Bylaws on ORC's website, at [www.orc.govt.nz/harbourmaster](http://www.orc.govt.nz/harbourmaster)



Advertorial

New swim buoy



Deputy Harbourmaster Pete Dwyer (left) and Harbourmaster Steve Rushbrook (right)

### Check the latest water quality at your favourite beach or lake before you swim

Before you swim this summer, check the weekly water quality results at the most popular swimming spots around the country by visiting [lawa.org.nz/swim](http://lawa.org.nz/swim)

Remember to stay out of the water for 48 hours after heavy rain, because urban and rural run-off can be washed into waterways.



**CHECK CLEAN DRY**



### STOP THE SPREAD OF PESTS IN OTAGO WATERWAYS

We all need to do our bit to protect New Zealand waterways. If you are moving between waterways you should always Check, Clean and Dry all clothing and equipment to stop the spread of freshwater pests.

It's easy to spread the three major freshwater pests currently in Otago - didymo, lake snow and lagarosiphon. Left unchecked, these pests can choke and clog up waterways and their ecosystems and make recreational use difficult, if not impossible. All water users including drivers of campervans and off-road vehicles are asked to play their part in reducing the spread of these freshwater pests.

You must Check, Clean and Dry all equipment that comes in contact with water. When you're leaving a waterway check to see that you have no plant material attached to your boat and/or trailer or your clothes and footwear. Even if you can't see it, it could be there in microscopic form, so always clean your gear. Then let it dry before heading into your next waterway.

The South Island is a controlled area for didymo and it's present in many Otago waterways. It's a legal requirement to Check, Clean and Dry your gear if you're using multiple waterways. If you can't, stick to one waterway this summer.



For more information about CHECK, CLEAN, and DRY, go to the Ministry of Primary Industries website [www.mpi.govt.nz](http://www.mpi.govt.nz) or the ORC website [www.orc.govt.nz/pesthub](http://www.orc.govt.nz/pesthub)



## Radio

We advertised on key radio stations across Otago that would help us best reach our target audiences.

[Listen to an example of one of Pete's ads here](#)

[Listen to an example of one of Steve's ads here](#)



## Google adverts

We ran a series of gifs as Google ads which are delivered to our target audience on a variety of websites.

This essentially reverses the principle of print advertising to pick a target publication to reach an audience, Google adverts allows you to pick a target audience and reach them through a large range of websites.

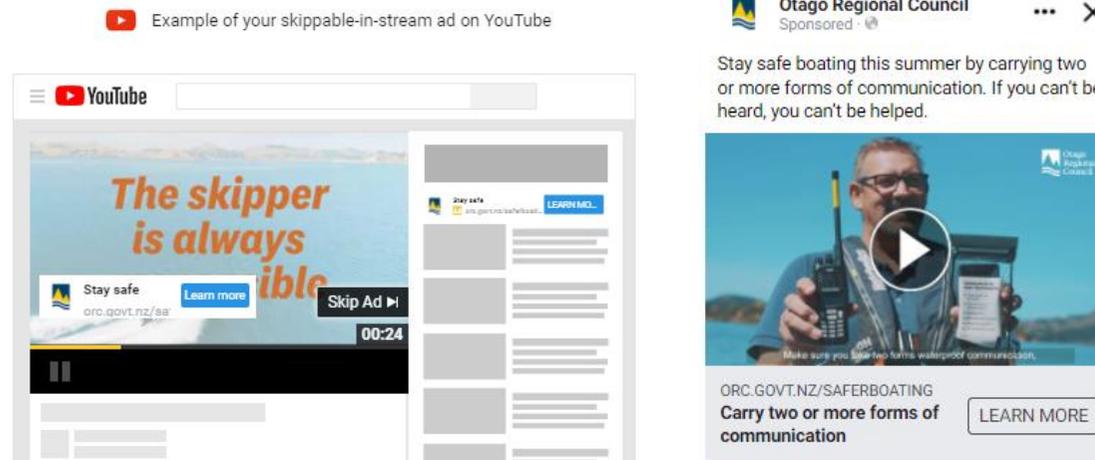


## Videos

Earlier in 2021 we created five short videos focusing on safer boating messages. We then used these as ad campaigns on Facebook, YouTube and TVNZ On Demand.

You can view all of the videos here:

<https://www.youtube.com/watch?v=hkGC7GruSNA&list=PLUcDHMmL4411rDC9wG12KKmyg1VLW2PY>



## Timeline

A big push during the Christmas/New Years break was chosen due to the higher numbers of people on holiday and likely to be out on the water.

The Facebook campaign started earlier due to the boating season traditionally starting on Labour weekend.

- 10 Oct – 19 Dec: Weekly Facebook video ads
- 13 Dec – 6 Jan: Radio ads
- 13 Dec – 9 Jan: Google ads
- 13 Dec – 9 Jan: TVNZ On Demand ads
- 13 Dec – 28 Jan YouTube ads

### Total campaign spend

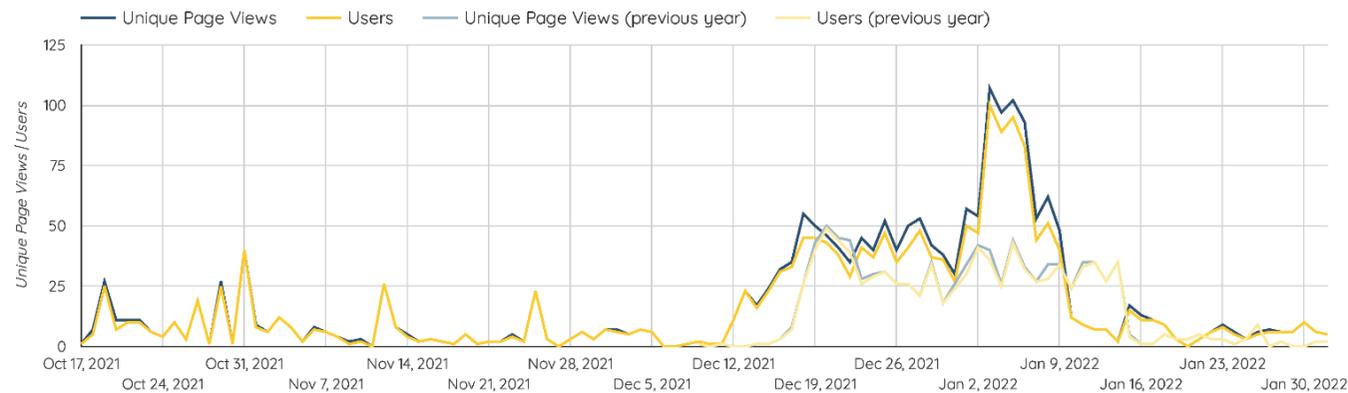
Ad type	Spend
Facebook video ads	\$649.84
Facebook boosted posts	\$150.00
Google Display ads	\$1,379.85
YouTube ads	\$698.48
TVNZ on Demand	\$6,500
Holiday guide	\$1,010.80
Radio	\$6,716.92
<b>Total</b>	<b>\$17,105.89</b>

## The results

All clickable advertising directed people to this page on our website [www.orc.govt.nz/saferboating](http://www.orc.govt.nz/saferboating) which is titled “Recreational water use.”

The graph shows page views for the recreational water use page during the 2021-22 campaign compared to the same period last year. This shows an improvement on last year’s campaign especially during key times of the campaign where a lot of people are likely to be out on the water.

Users and Unique page views this year vs last year (same period)



## The results

This campaign was primarily about getting the key messages out there and for people to adopt the right behaviours. Taking this primary goal into account, website traffic, impressions and reach are good measurements of whether the message was received but they do not provide the full picture.

Anecdotal reports from the community to the Harbourmaster's team are equally as useful to help us measure whether the message is being received. Radio of course does not provide for being able to immediately go to our website, but it does increase awareness of the message.

### Combined total statistics across the different channels

Metric	Total	Notes
Impressions	1,499,054	Impressions is the number of times your post/ad was on screen.
Minimum Reach (Facebook + TVNZ on Demand)	58,025	Reach refers to the number of people who saw any of your posts at least once.
Video views	130,301	
Link clicks	1,666	

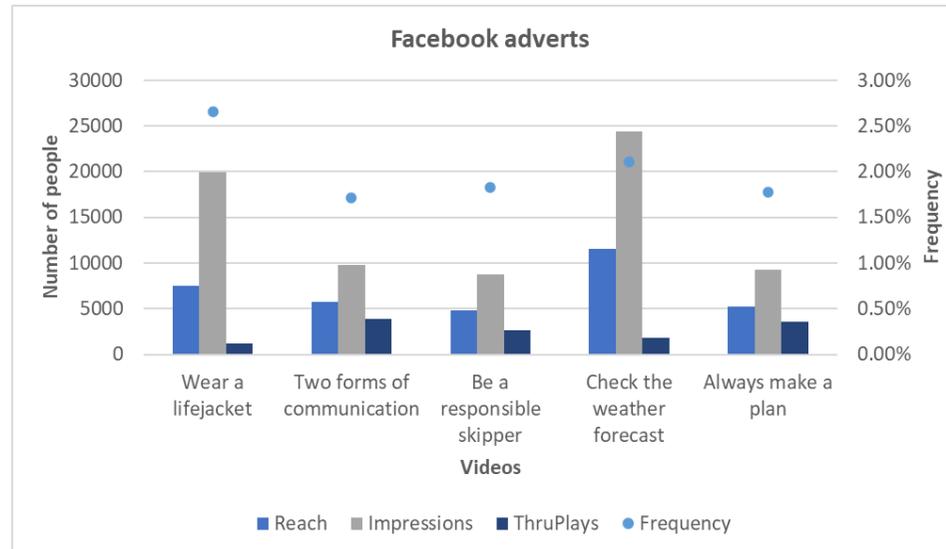
## The results

### Facebook ads

The Facebook adverts provided us great ‘bang for buck’ pulling in a large amount of video views and “ThruPlays” (the number of video plays that either played to completion or at least 15 seconds). This was in line with our advocacy goal, click through rates were average however this was to be expected as we did not set out with a goal to drive traffic to the website.

**Reach** = The estimated number of people who saw your ads at least once. Reach is different from impressions, which may include multiple views of your ads by the same people.

**Impressions** = The average number of times your ads were on screen.



## The results

### **YouTube ads**

As with the Facebook ads we saw great 'bang-for-buck' with these ads reaching a large amount of people and costing an average of \$0.04 for every view the videos received. Results are again in line with our advocacy goal with high views but average click through.

Future campaigns may be revised to use unskippable ads and shorter 6 second video ads available for pre-roll ads (bumper ads) – 96% of people tended to skip the video ad after 5 seconds. Such ads are great for awareness campaigns that are short and snappy without annoying people too much in general.

## The results

### YouTube ads

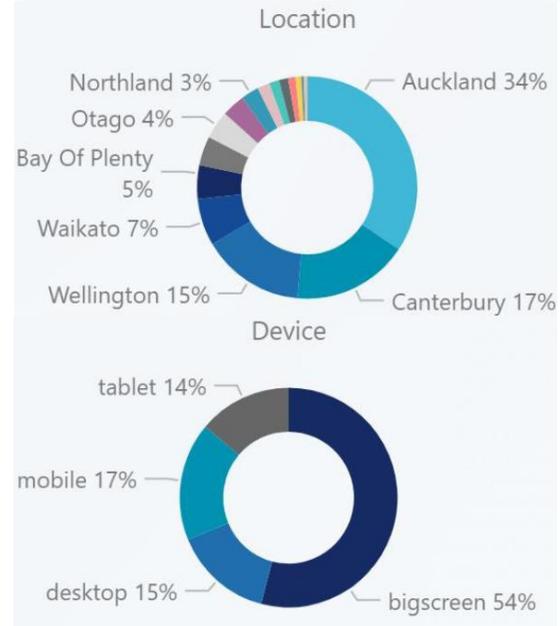
Metric/ad campaign	TOTAL	Notes
Impressions	42,854	An impression is counted each time your ad is served on Google's ad networks, such as on Google.com, YouTube or other publisher websites and apps. Impressions help you understand how often your ad is being seen.
Views	12,778	A view is counted when the following occurs, and varies by format: a person watches 30 seconds of your video (or the duration, if it's shorter than 30 seconds) or interacts with your video.
View rate	39.57%	View rate measures the percentage of people who watched your video after they first saw the video or thumbnail. It equals the number of views that your ad receives divided by the number of impressions, including thumbnail impressions for video discovery ads.
Average CPV	\$0.04	Average cost per view (avg. CPV) is the average amount that you pay each time that someone views your video ad. It equals the total cost of all views divided by the total number of views.
Clicks	38	When someone clicks your ad, like on the blue headline or phone number of a text ad, Google Ads counts that as a click.
Average time watch	15.78	Measures the average number of seconds someone watched your video ad per impression of the ad. This metric can give you insights into which video ads people are watching the longest.
Video played to 100%	39.94%	"Video played to" measures the percentage of viewers who watched the video to that point.
Cost	\$698.48	

# The results

## TVNZ On Demand statistics Performance measures

Metric	Total
Impressions	102,607
Reach	72,276
Completion rate	98.6%
Cost per completion	\$0.07
Total clicks to website	231 54% watched the TVC on a television and they can't actually click, so these clicks came from those watching on mobile/desktop) this click through was over the average benchmark for most campaigns.

Top Programmes	Impressions
Coronation Street	5,654
Home And Away	4,081
Fantasy Island	3,879
Shortland Street	3,486
The Tourist	2,659
Close To Me	2,479
Emmerdale	2,031



## The results

### Google ads

As with the video adverts, our goal with this was advocacy which we achieved with the high number of impressions.

Future campaigns may be revised with a goal of increasing traffic to the website. This could be achieved by amending the adverts with a focus on a stronger call to action rather than the key messages.

Metric	Result	Notes
<b>Impressions</b>	1,244,142	The number of times the ads were served.
<b>Average CPM</b>	\$1.11	Average Cost Per Thousand impressions.
<b>Clicks</b>	959	Number of clicks on the ad (people who clicked on the ad).
<b>Average Cost Per Click (CPC)</b>	\$1.44	
<b>CTR (Click Through Rate)</b>	0.09%	(Number of clicks / Viewable Impressions) * 100
<b>Total spend</b>	\$1,379.85	



Regulatory Committee 2022.03.10

## Conclusions

Overall, we are extremely satisfied with the results of this year's campaign and are confident we have achieved our advocacy goal. We have many new learnings to implement this summer and benchmarks to measure future campaigns. We will continue to develop further resources such to launch this upcoming summer.

## 7.2. Regulatory Group - Quarterly Activity Report

**Prepared for:** Regulatory Committee  
**Report No.** GOV2207  
**Activity:** Regulatory: Consents and Compliance  
**Author:** Richard Saunders, General Manager Regulatory and Communications  
**Endorsed by:** Richard Saunders, General Manager Regulatory and Communications  
**Date:** 10 March 2022

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### PURPOSE

- [1] To update the Committee on activities of the Regulatory Group between 1 July 2021 and 31 January 2022.

### EXECUTIVE SUMMARY

- [2] This report summarises the activity of the Regulatory Group with the exception of the Harbourmaster function which has provided a separate report for this Committee meeting.

### RECOMMENDATION

*That the Committee:*

- 1) **Notes the Quarterly Update Report from the Regulatory Group.**

### DISCUSSION

- [3] The following report provides a summary of the activity of each team within the Regulatory Group.
- [4] Attachment 1 contains statistics on Regulatory Group activity for the period 1 July 2021 to 31 January 2022.

### CONSENTS

#### Consent Processing

- [5] Over the reporting period decisions have been made on 331 individual consents (cumulative total). For context, in the same period last year decisions were made on 204 individual consents. This represents a big increase in output from this time last year. Despite a steady workload all decisions in the reporting period were made within Resource Management Act timeframes. Timeframe extensions were used in this period in most cases to enable the applicant to review the proposed conditions or to allow for data reviews to happen on deemed permits.
- [6] The number of applications received per month, generally remains above the number for the same month in the 2020/21 year with a peak of 65 applications received in November 2021. Applications relating to consents required under Plan Change 8 (PC8) have continued to be lodged, especially residential earthworks and animal effluent systems. Residential earthworks consents remain the most prevalent of the new consent types under PC8.

- [7] No applications were publicly notified in the reporting period. A decision was made by a hearing commissioner on the Queenstown Lakes District Council (QLDC) application for consents associated with the discharge of wastewater to land at Kingston which was notified in the previous reporting period. This application was granted subject to a set of conditions.
- [8] The other application notified in the last reporting period was Dunedin City Council's application for consents associated with the proposed Class A landfill at Smooth Hill, Dunedin. During this reporting period the focus has been on organising the consent hearing and reviewing the submissions. The hearing for this application will be held over two weeks in May 2022.
- [9] Consent hearings were held for three applications in the reporting period. Two of these hearings related to permits for wastewater discharges from Territorial Authorities (QLDC as noted above and then also Clutha District Council at Waihola). The third hearing related to permits associated with a quarry operation. Decisions have not been released by the independent decision makers on two of the applications.
- [10] Eight applications were limited notified in the reporting period. These applications may need to go to a hearing, but if matters raised in submissions can be resolved or there are no submissions, then these can be signed off under existing staff delegations.
- [11] Two hearings will be held in the next reporting period, other hearings may be required but are not yet planned. These are for limited notified and publicly notified consent applications and relate to consents for:
  - A water treatment plant. No date has been confirmed for this yet.
  - Dunedin City Council's application for a new landfill.
- [12] A summary of consents statistics for the period are included in Figures 1 to 6 of Attachment 1.

**Deemed Permit Replacements**

- [13] Since the release of the decision on Plan Change 7(PC7) on 17 November 2021 until the end of January 2022, 7 decisions relating to deemed permits have been approved. These have all been approved for a period of 6 years. Work continues with consultants, stakeholders, and applicants to progress the applications. This remains a positive process and is still being undertaken in an open and constructive way. Regular updates have been provided to stakeholders and consultants who are handling applications for consent holders.
- [14] Staff in the Regulatory, Data and Systems Team have undertaken Schedule 10A.4 data reviews for approximately two thirds of applications. Data reviews are still to be completed for a small number of applications including consents in the Lowburn and Bannockburn catchments and for Trustpower. A table with these dates is shown below.

Category/catchment grouping	Amendment lodgement date*	Schedule 10A.4 analysis to be completed by
6 yr applications as lodged (not in the catchment groups)	24 December 2021	Complete

below)		
Miscellaneous – longer term applications as lodged	10 January 2022	Complete
Cardrona	10 January 2022	Complete
Arrow	3 February 2022	Complete
Fraser	21 February 2022	Complete
Taieri	28 February 2022	Complete (except Strath-Taieri group below)
Manuherekia	28 March 2022	Complete (except for one application – awaiting advice)
Strath Taieri group	11 April 2022	11 March 2022
Lowburn	22 April 2022	18 March 2022
Trustpower	22 April 2022	25 March 2022 (awaiting advice from Trustpower)
Bannockburn	9 May 2022	1 April 2022

- [15] Amendments to applications to bring them in line with PC7 have generally been accepted. Where amendments have been received but not yet decided, we are preparing draft reports and consent documents and sending these to the applicants for comments before a decision is being made.
- [16] Work has been completed on updating and developing new practice notes that relate to water-based applications. The aim of these is to ensure that applicants, stakeholders, and consultants have a clear idea of ORC's approach to certain matters. The intent of this is to reduce pain points in the process and to be as open as possible. In the reporting period the following materials were developed and made available online:
- Practice notes on supplementary takes and another on allocation, by-washes, non-consumptive takes and residual flows.
  - Updated FAQs for applications covered by PC7.
  - Information on PC7 and how it relates to applications to take and use groundwater.
  - Standard condition template used for PC7 water permit.
  - A matrix table on damming applications showing the level of information and assessment needed.
- [17] Some parties who had applications lodged for water permits since before the notification and/or decision on PC7 have queried their processing costs in light of the outcome of that process. This is primarily because under PC7 they can no longer get long term water permits which were originally applied for. These questions have been responded to by staff.
- [18] Any reduction to consent fees would need to be covered from general rates. This is inconsistent with the existing policy which ensures 100% of processing costs are recovered from the applicant who will be receiving the benefit of the consent. For applicants unhappy with the fees charged a formal objection process is available under the RMA and is the appropriate mechanism to use.

### **Appeals to consent decisions**

- [19] No new appeals to consent decisions were received in the reporting period. In light of the PC7 decision two more appeals to the Environment Court relating to decisions on deemed permits were withdrawn by the appellants during this period. These appeals were lodged by the applicants and related to issues with term and water allocation volumes.
- [20] As noted in the previous reporting period one appeal to a consent decision was received. This appeal was from submitters and related to a decision by an independent decision maker on a deemed permit. Since the last update, the matter has progressed with the Court directing all parties to mediation. No date has been set for a hearing or mediation. It is important to note that ORC have not appealed the decision, nor overturned the decision made by the independent decision maker. The decision on this application stands until any decision is made by the Environment Court.
- [21] As well as the appeal noted below, there is only one other matter with the Court which is an appeal from Clutha District Council. This is an appeal to the High Court relating to a decision made by the Environment Court on their water permit. No decision has been released by the High Court. Again, ORC did not lodge the appeal but must participate.
- [22] One objection to consent conditions was received in the reporting period. This objection related to a permit to discharge contaminants to land. The draft conditions were reviewed by the applicant and confirmed as acceptable, but an objection was then received. It is anticipated that this objection will be able to be resolved under staff delegation.
- [23] No formal cost objections under Section 357B of the RMA have been received by ORC in the reporting period. We have had some questions from applicants about the processing costs of permits. These are typically questions of clarification as applicants are provided regular cost updates.

### **Public Enquiries**

- [24] Responding to public enquiries remains a significant part of the workload of the Consents Team. In the reporting period 543 enquiries were received and responded to. The peak was in November 2021 when 204 were logged. The team have two dedicated staff allocated to public enquiries who provide advice on all queries regardless of geographic location and respond to emails, phone calls and in-person enquiries. Most enquiries are resolved within 2 days of being received, with only 48 of the 543 taking 3-7 days to close and four taking more than 7 days. Information on these enquiries can be seen in Attachment 1.
- [25] 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). Decisions were made by the specialist hearing panels on the Silverlight Studios - Wanaka; Dunedin Hospital - Whakatuputupu and Silverlight Studios – Accommodation projects during the reporting period. ORC is now responsible for the monitoring of the granted consents that relate to Regional Council functions.

- [26] To enhance the public enquiries service, in this reporting period we have been working on:
- a. Website information on domestic wastewater applications to help applicants understand why consent is needed and what information they need to supply.
  - b. The consents online project. This is where people will be able to apply for consents online. The first consent form will be available in May 2022.
  - c. New practice notes explaining technical matters.
- [27] Completed work in this period includes:
- a. Content for the website on what type, or parts of applications people can prepare themselves and provide advice on what things may need to get experts to do.
  - b. Circulated another edition of the newsletter for the Regulatory Group that is targeted to consent planners and practitioners.
  - c. Uploaded practice notes for practitioners onto our website (relating to water) that establish our position on matters of interpretation or how we process applications. These are targeted at the practitioner.
  - d. Information on what to expect as a submitter on an application. This was developed to support those involved in the Smooth Hill hearing.
  - e. Information on timeframes for processing consents.

**NES-FW and Plan Change 8 work**

- [28] During the reporting period the decision on the rural provisions of Plan Change 8 (PC8) was released by the Environment Court. There have been changes made to rules and policies in the decisions version. Staff have been working directly with those applicants that had an application in when the decision was released. An update has been provided to consultants who prepare these types of applications.
- [29] In the reporting period Consents Staff have updated all affected PC8 application forms, internal guidance material, consent conditions and report templates. They have also met with key stakeholders to discuss interpretation and implementation of the new provisions. These meetings will continue. The internal NES-FW and PC8 working group will complete the updates to the material on ORC's website that relates to PC8.
- [30] The Consents team and wider Regulatory Group remain heavily involved in the implementation work on the NES-FW and PC8. Key work that has carried on from the last reporting period includes:
- a. Continued discussions with stakeholder and industry groups about implementation and interpretation of the new regulations.
  - b. Participating in the internal cross-Council working group for the implementation of the NES-FW and PC 8.
  - c. Participation in the Court process for PC8 as expert witnesses and attending mediation. The next section to go to Court is on matters such as residential earthworks. Consents and Compliance staff will be giving evidence.
  - d. Staff remain involved in the regional sector group providing input into the development of Freshwater Farm Plans. As farm plans will be a new tool for Otago it is important that staff remain connected to this work so they can understand the impact it may have on our business. This work includes attending design workshops and co-ordinating with other council's on how to best use resources.

### **Process Improvements**

- [31] The key focus for staff over the reporting period has been on how service is provided and ensuring staff have the tools to support them. This is an ongoing process, which is driven by staff and customer feedback.
- [32] The focus has been on how staff interact with customers and the level of information staff provide them, as well as identifying areas for efficiency gains. To complement this focus, a Masters research project will be undertaken on this topic with students from the University of Otago. The aim of the project is to investigate further ways to improve information on the consent process and people's knowledge of the consent process. Findings of this research will be received in October 2022. We are also updating the standard letters we use to request information, and these will be in use in the next reporting period.

## **COMPLIANCE MONITORING AND ENFORCEMENT**

### **Performance Monitoring**

- [33] In the 7 months to 31 January 2022, the Regulatory Data and Systems and Compliance teams graded 3,644 Performance Monitoring returns against an Annual Plan target of 3,150. This is up from 3,401 Performance Monitoring returns graded in the same period in the last financial year.
- [34] A summary of performance monitoring data for 2021/22 is set out in Figures 11 and 12 of Attachment 1.

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

- [35] The ORC Long Term Plan 2021-2031 set out a new performance measure of meeting 85% or more of 'programmed inspections/audits completed each year, as per the Compliance Audit and Performance Monitoring Schedule'.
- [36] In the 2021/22 year to date, 746 on site audits and inspections have been completed. This is up from 603 site visits completed in the same period in the 2020/21 financial year. The 2021/22 site visits relate to 568 on site consent audits, 117 dairy inspections, 36 winter grazing site visits, 18 forestry inspections and seven regionally significant wetland audits. This is 118% of the planned compliance audits or field inspections year to date.
- [37] A summary of the compliance field visits and inspections in the 2021/22 year, compared with the 2020/21 year and Annual Plan target is set out in Figures 13 and 14 of Attachment 1.

### **RMA consent audits**

- [38] In the 2021/22 year to date, 568 on site consent audits have been completed. Most consent audits have been for coastal marine area use permits (267 audits). These audits are required every five years and were completed by two interns over the summer period. The coastal structures monitoring project was enabled by improved mobility platform for undertaking the audits onsite and auto-generated compliance reports.

- [39] Generally, compliance with consents can be considered high with most consents being considered either fully compliant (56%), or low risk non-compliance (25%), and 6% considered as significant non-compliance.
- [40] All consent audits graded with moderate non-compliances (70 consents) and significant non-compliances (35 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. This includes five infringement notices, three abatement notices and four warnings issued in relation to consent non-compliance.
- [41] A summary of RMA consent audit data in the 2021/22 year is set out in Figures 15, 16 and 17 of Attachment 1.

#### **Dairy programme**

- [42] The 2021/22 Dairy Inspection Compliance Project commenced in October 2021, and year to date compliance staff had completed 117 dairy inspections. The high-risk farms are being prioritised for inspection early in the season. Overall compliance is generally good with most farms being considered either fully compliant or low risk non-compliance. Four farms were graded significant non-compliant, and seven farms were graded moderately non-compliant. These matters are being followed up by staff and either appropriate action has been taken, or investigations are continuing.
- [43] The 2020/21 dairy project has had a particular focus on the storage of effluent pond solids and stone trap clearings, the distances that these have been kept away from waterways and monitoring their potential to discharge to the environment through ponding and overland flow. Emphasis has also been placed on the monitoring of silage leachate ponding and the lack of silage leachate collection facilities on many farms. There has also been a continued focus on providing awareness and engaging with farmers on the new requirements with the NES for Freshwater, Stock Exclusion Regulations, Water Measuring Regulations and Plan Change 8. Dairy inspections will continue until approximately mid-May 2022.
- [44] A summary of 2021/22 dairy inspection data is set out in Figure 18 of Attachment 1.

#### **Forestry**

- [45] In the 2021/22 year to date, ORC has received 71 forestry notifications and 50 management plans and has completed 18 on site forestry inspections. Overall compliance is high with 12 forestry sites considered fully compliant, one forestry site considered low-risk non-compliance and one forestry site considered significant non-compliance. Staff are undertaking further investigations into this situation.
- [46] A summary of 2021/22 forestry notifications and inspections data is set out in Figures 19 and 20 of Attachment 1.

#### **Investigations and enforcement**

- [47] In the 2021/22 year to date, 875 service requests were received on the pollution response hotline. This is slightly up from 845 service requests in the same period of the

2020/21 year. The most common reasons for requests were water pollution (229), outdoor burning (202) and domestic chimney (98).

- [48] Further details on service requests in the 2021/22 year, including comparison with the 2020/21 year can be found in Figures 21 and 22 of Attachment 1.
- [49] In the 2021/22 year to date, ORC has issued 80 formal enforcement actions, including 13 warnings, 39 infringement notices, and 26 abatement notices. This is a significant increase from 38 formal enforcement actions taken in the same period of the 2020/21 year. The most common causes of enforcement action related to water pollution (29) and consent non-compliance (8).
- [50] For the 2021/22 year to date, ORC has authorised two legal proceedings in relation to discharge of contaminants to air.
- [51] Further details on enforcement action in the 2021/22 year, including comparison with the 2020/21 year can be found in Figures 23 and 24 of Attachment 1.

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

- [52] To support and enable compliance, ORC Compliance staff work proactively with landowners, consent holders and the community to engage with on them compliance matters and educate on good practices.
- [53] Some of the engagement and education activities that have been undertaken in the 2021/22 year include:
- Sending out educational letters to alleged offenders in relation to domestic chimney and outdoor burning complaints.
  - Waterlines media article on winter grazing compliance and good management practices.
  - On-stream quick reminder to stack firewood before Christmas so it has time to dry out over the summer months to prevent air pollution.
  - Ongoing engagement with primary industry groups and farmers on NES-FW and good management practices and planning for winter grazing in 2022.
  - Ongoing draft updates to the Compliance Policy and Standard Operating Procedures.

#### **OPTIONS**

- [54] As this is a report for noting there are no options.

#### **CONSIDERATIONS**

##### **Policy Considerations**

- [55] There are no policy considerations.

##### **Financial Considerations**

- [56] There are no financial considerations.

**Significance and Engagement**

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

**Legislative Considerations**

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

**Risk Considerations**

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

**Climate Change Considerations**

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

**Communications Considerations**

[61] Communication with the Otago community occurs on a regular basis as a way 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**

[62] Regulatory activity will continue and will be reported to the Regulatory Committee on a quarterly basis. The next quarterly update will include a proposed Compliance Audit and Performance Monitoring Schedule for the 2022/2023 year.

[63] A report summarising ORC RMA compliance activities in relation to drinking water will be provided at the next Regulatory Committee.

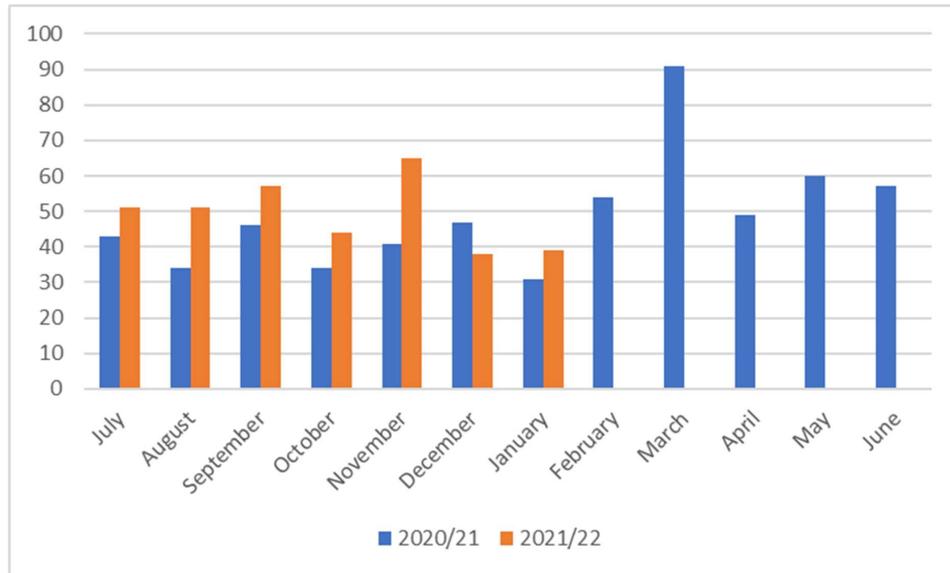
**ATTACHMENTS**

1. 1 July 2021 to January 2022 Regulatory Data [7.2.1 - 12 pages]

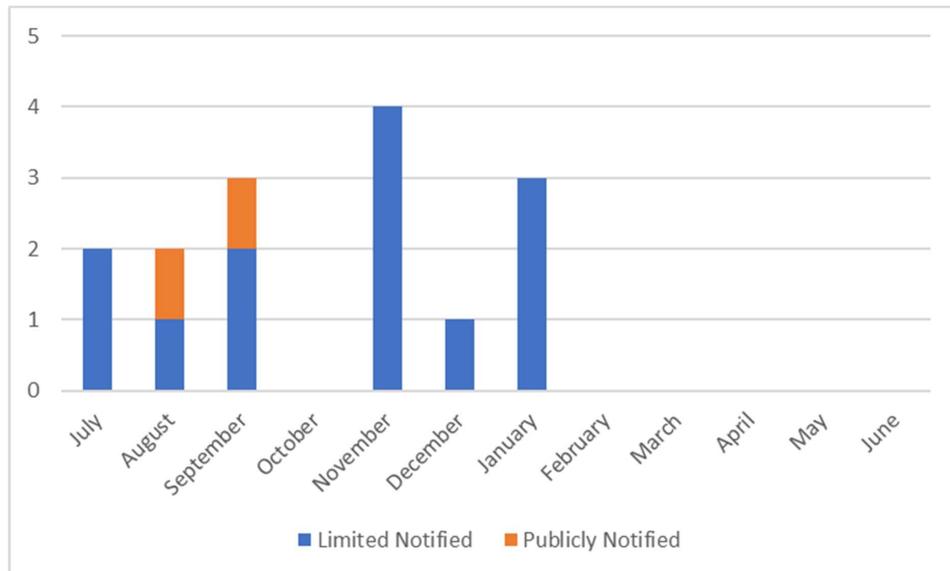
**ATTACHMENT 1: REGULATORY REPORTING FOR THE PERIOD 1 JULY 2021 TO 31 JANUARY 2022**

**Consents**

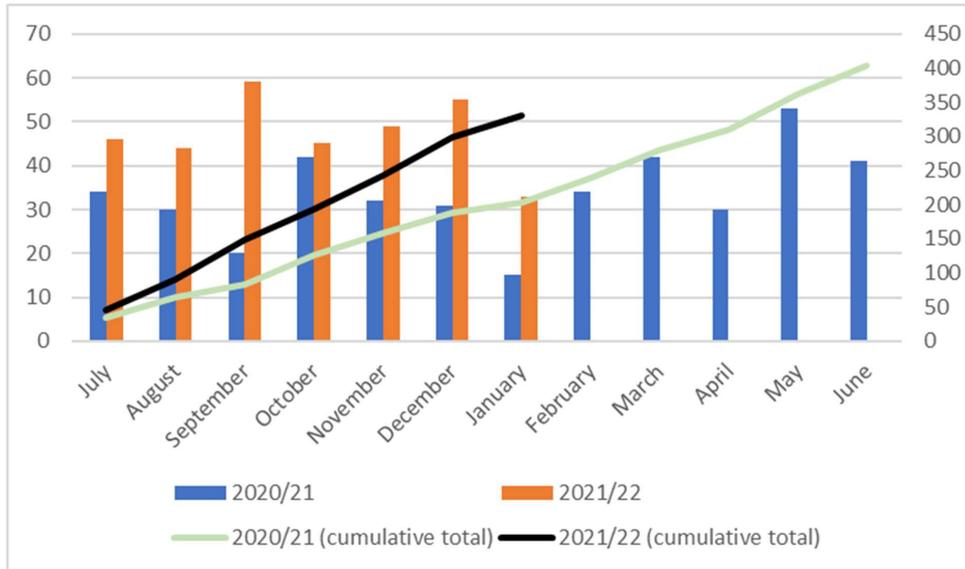
**Figure 1: Resource Consent Applications Received**



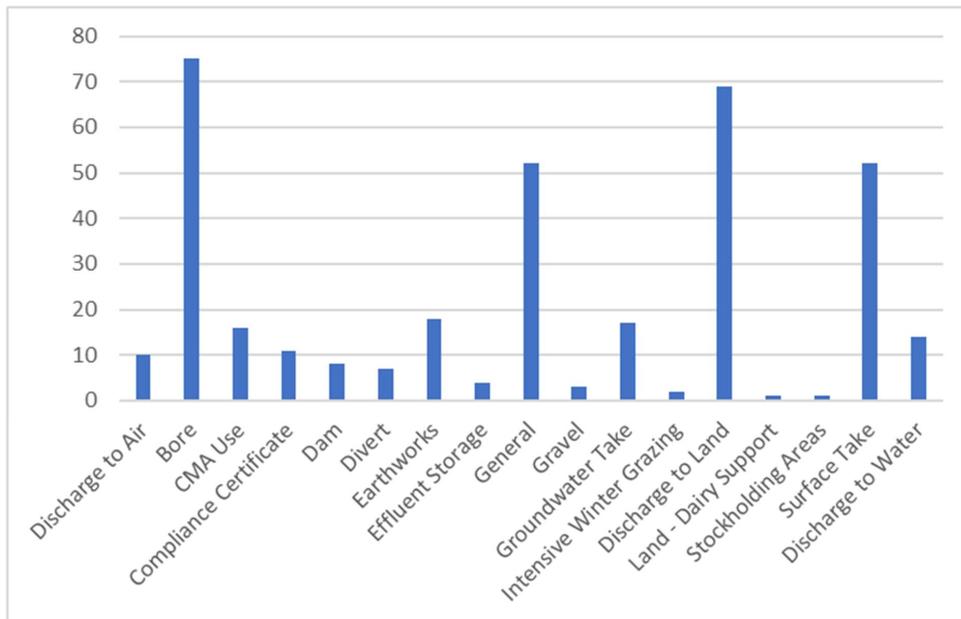
**Figure 2: Notified Applications**



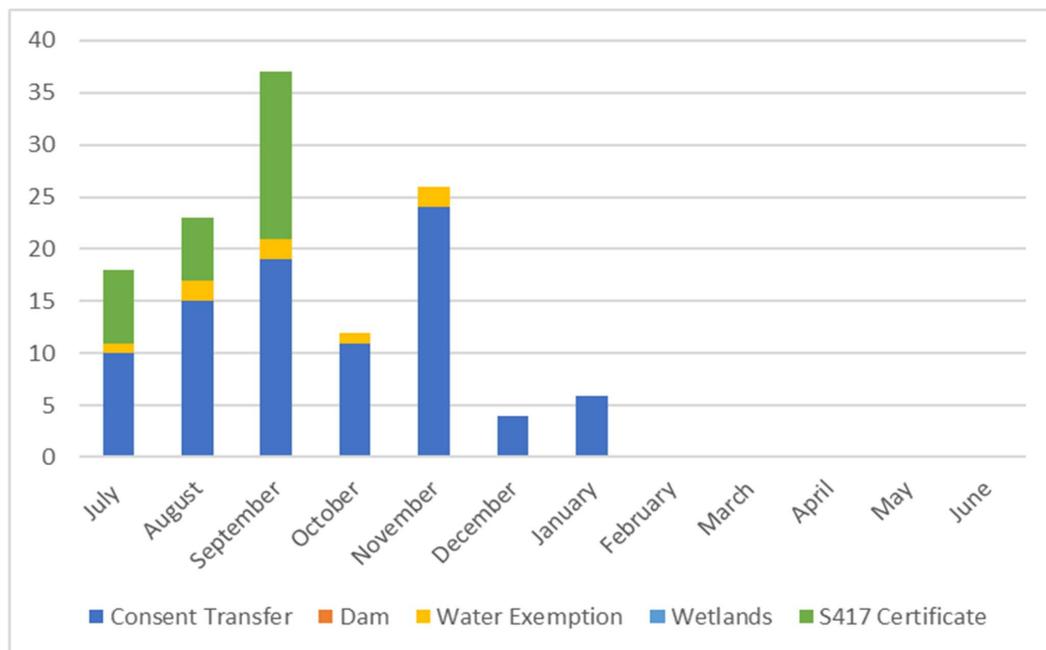
**Figure 3: Resource Consents Issued**



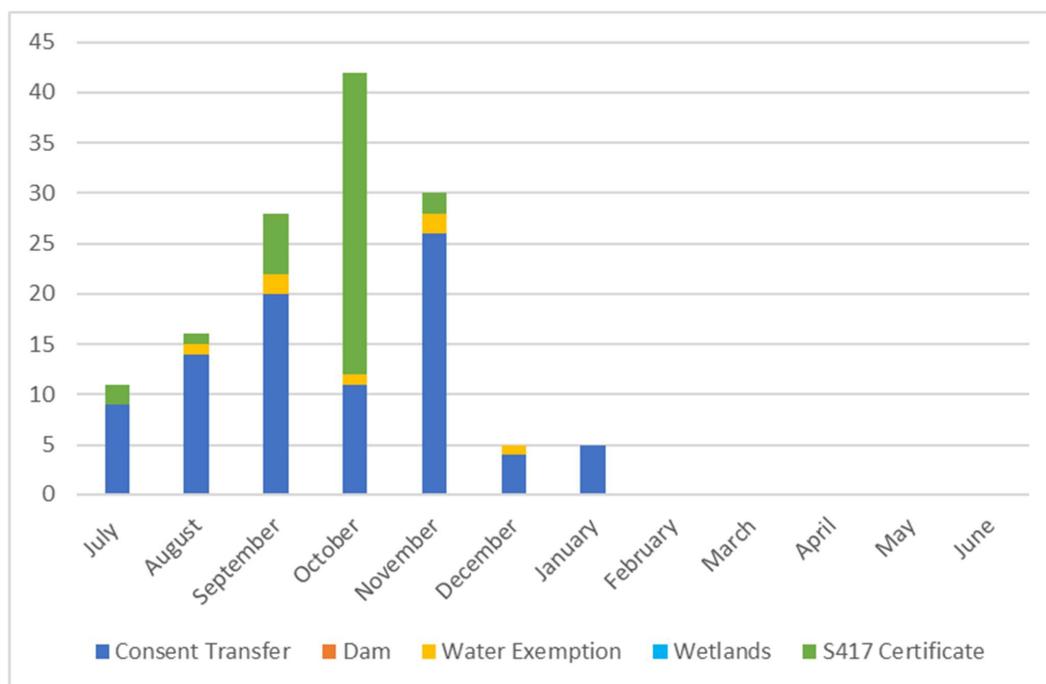
**Figure 4: Resource Consent by Type**



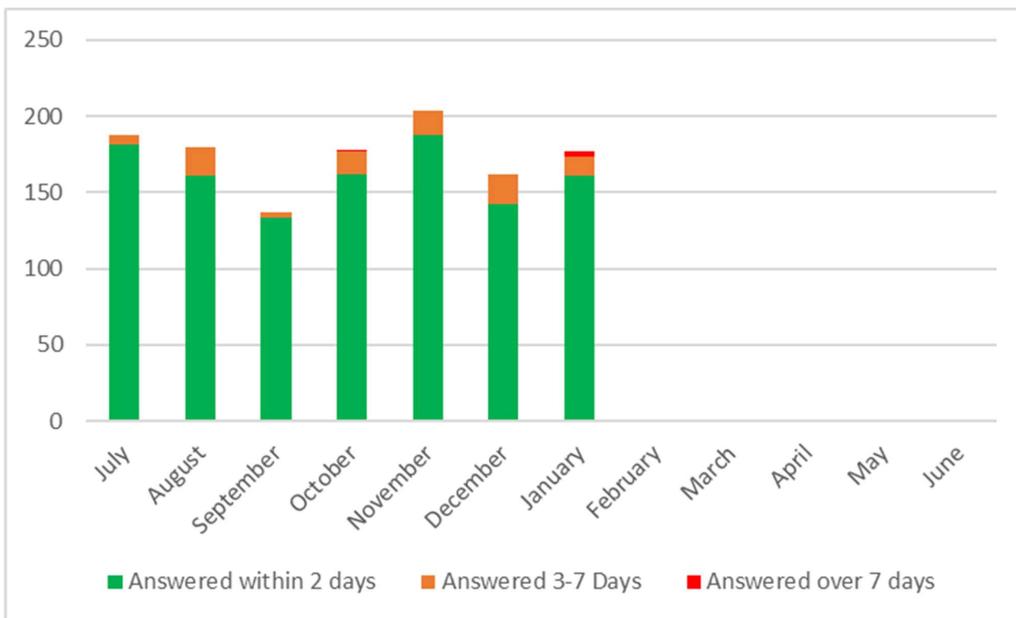
**Figure 5: Other Applications Received**



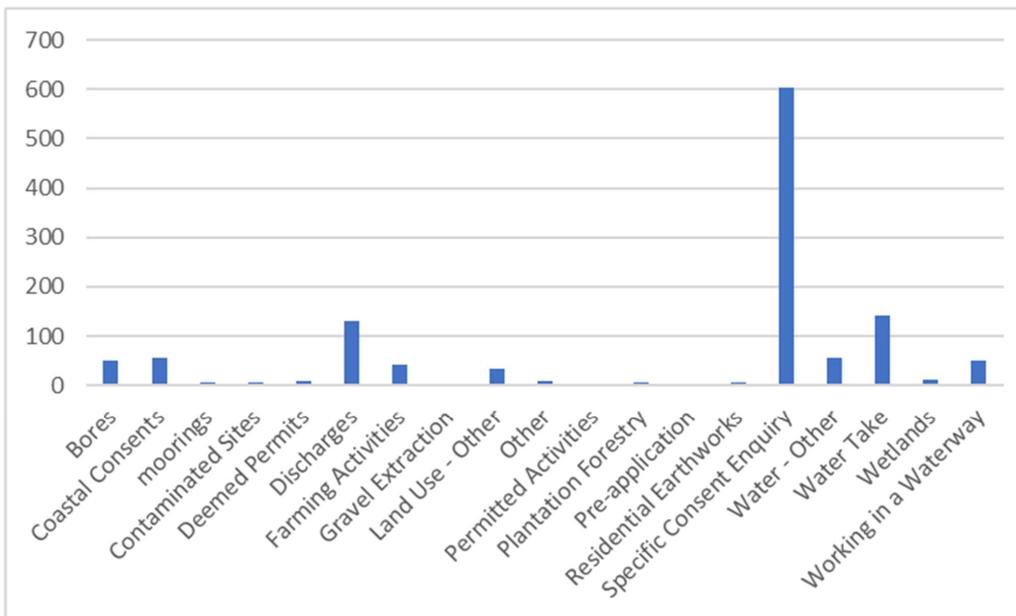
**Figure 6: Other Applications Processed**



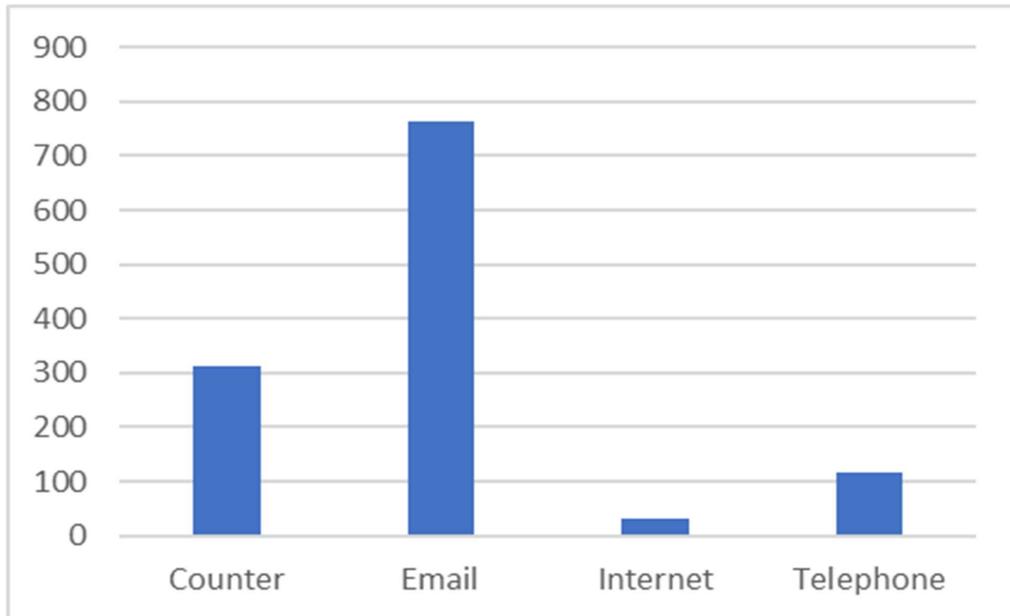
**Figure 7 Consent Enquiry Response Times**



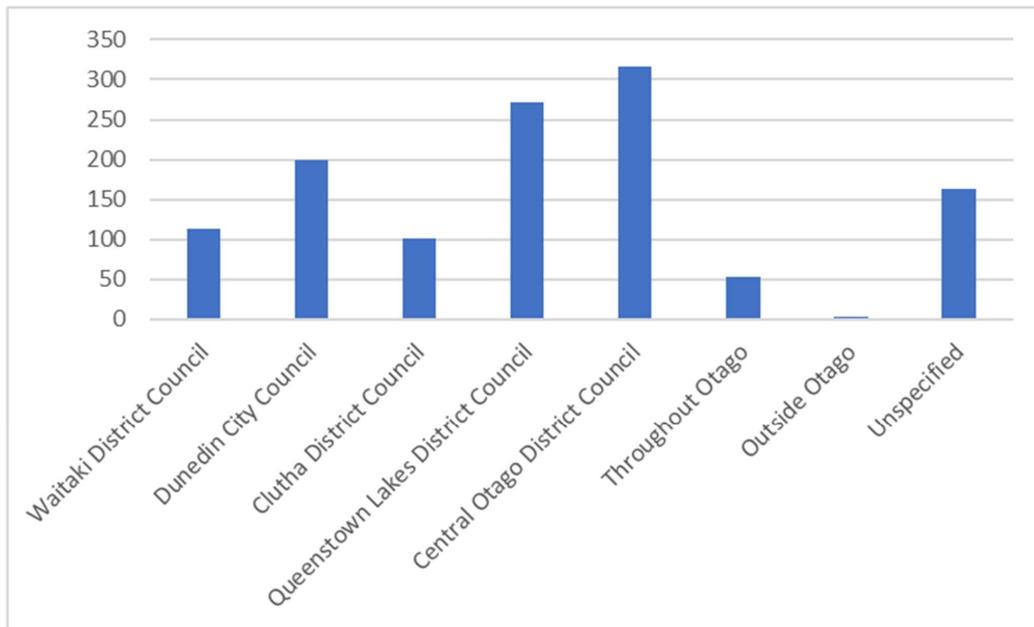
**Figure 8: Consent Public Enquiries by Type**



**Figure 9: Consent Public Enquiries by Method**

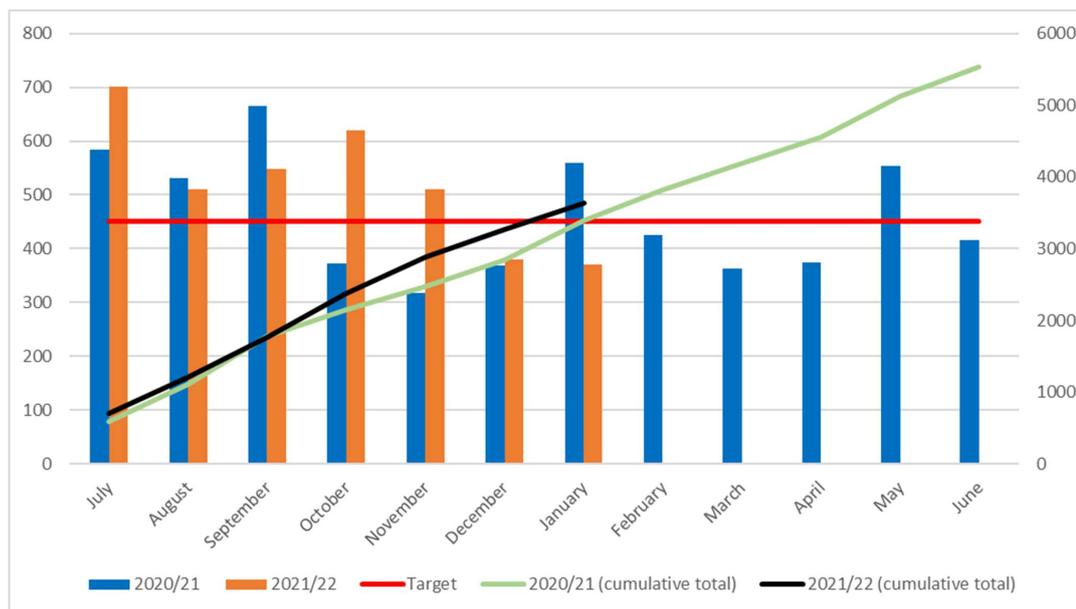


**Figure 10: Enquiry by Location**

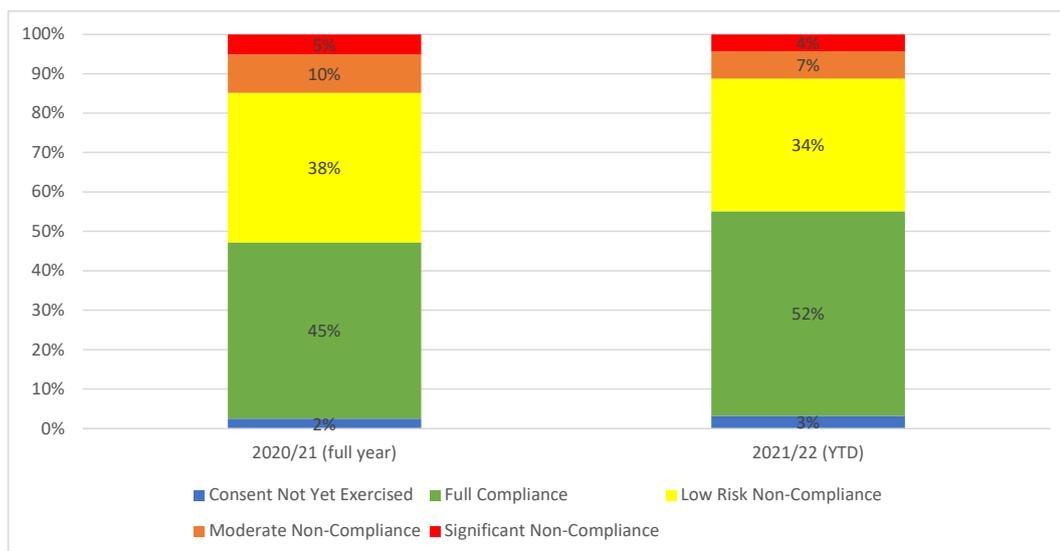


**Compliance**

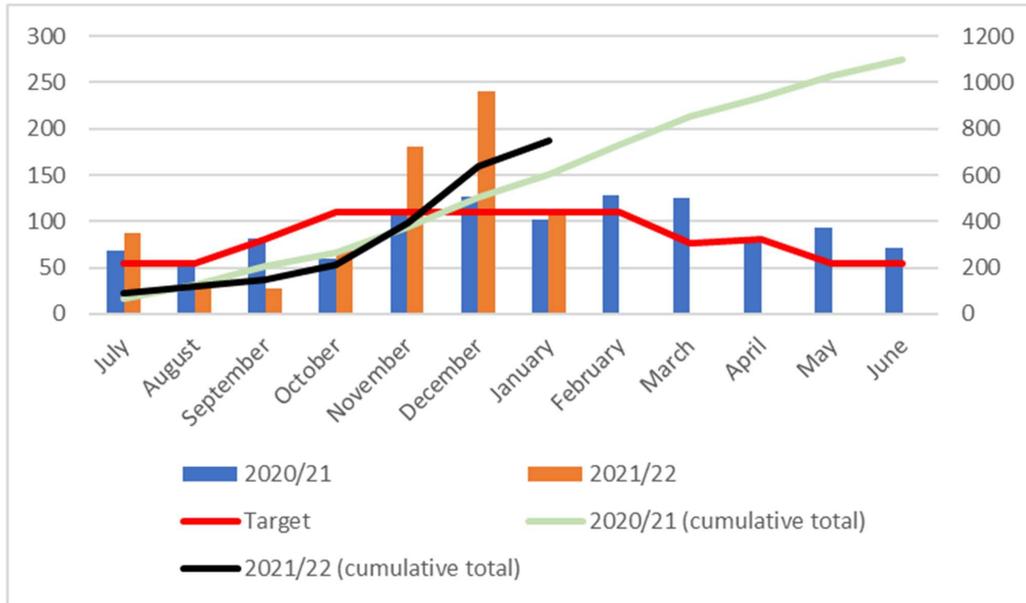
**Figure 11: Performance Monitoring Returns Completed**  
*LTP Performance Measure*



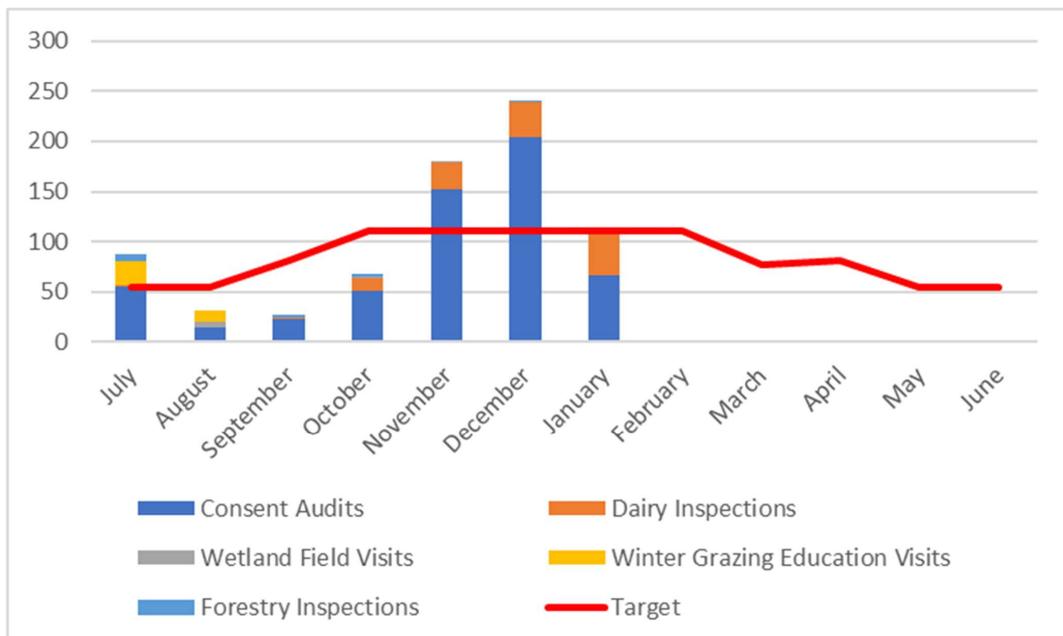
**Figure 12: Performance Monitoring Grades Year on Year**



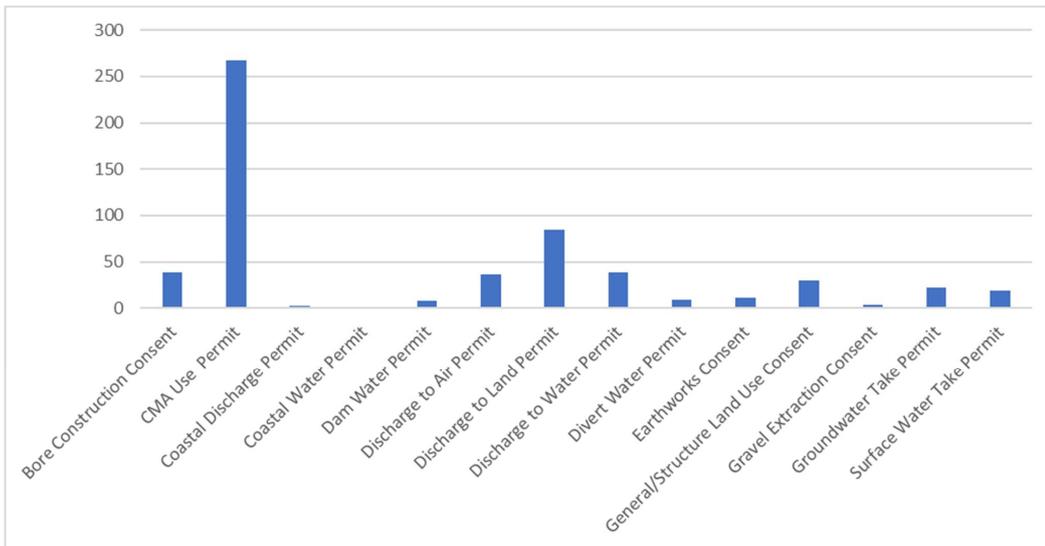
**Figure 13: Compliance Field Inspections Year on Year**  
*LTP Performance Measure*



**Figure 14: Compliance Field Visits by Type**



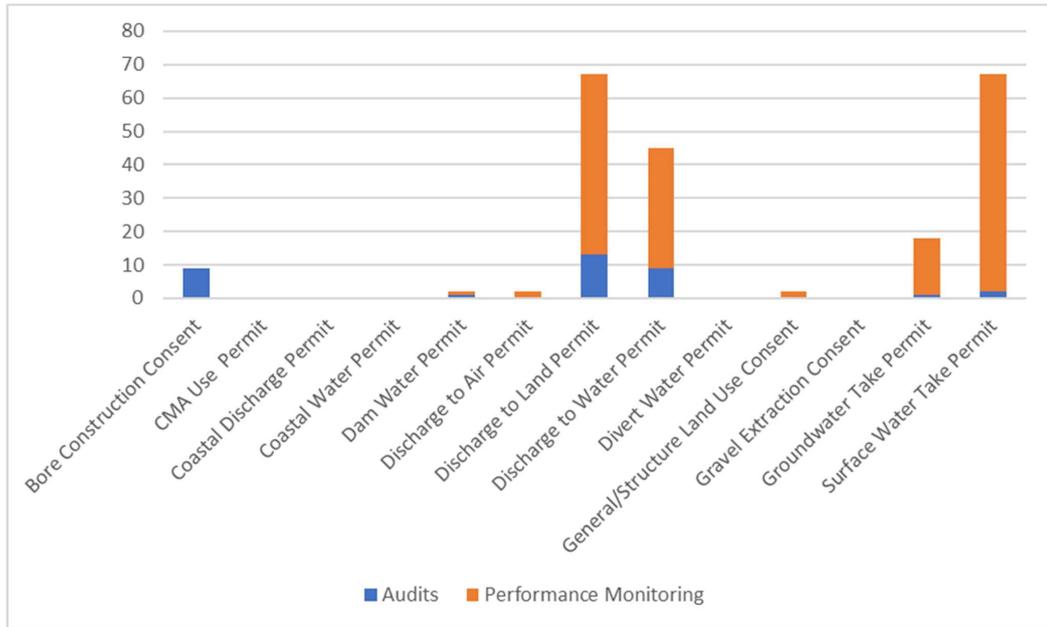
**Figure 15: Consent Audits by Consent Type**



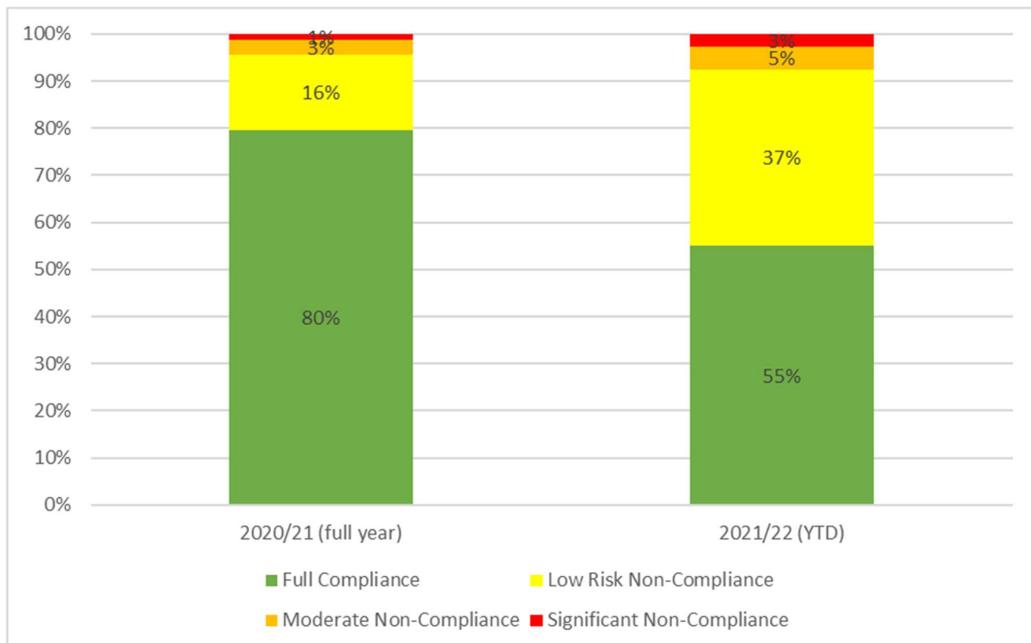
**Figure 16: Consent Audit Grades Year on Year**



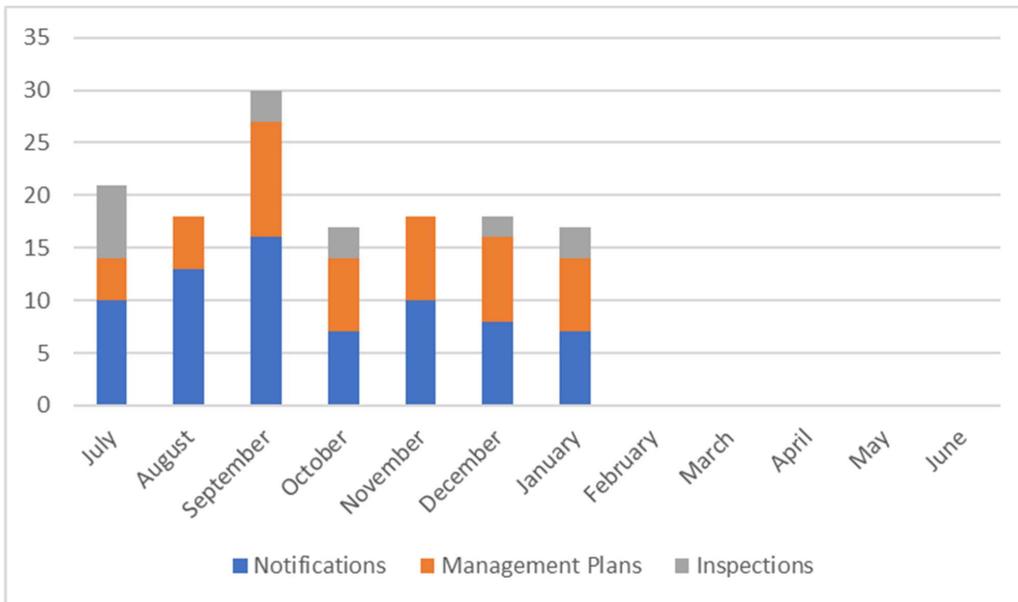
**Figure 17: Significant Non-Compliance by Consent Type**



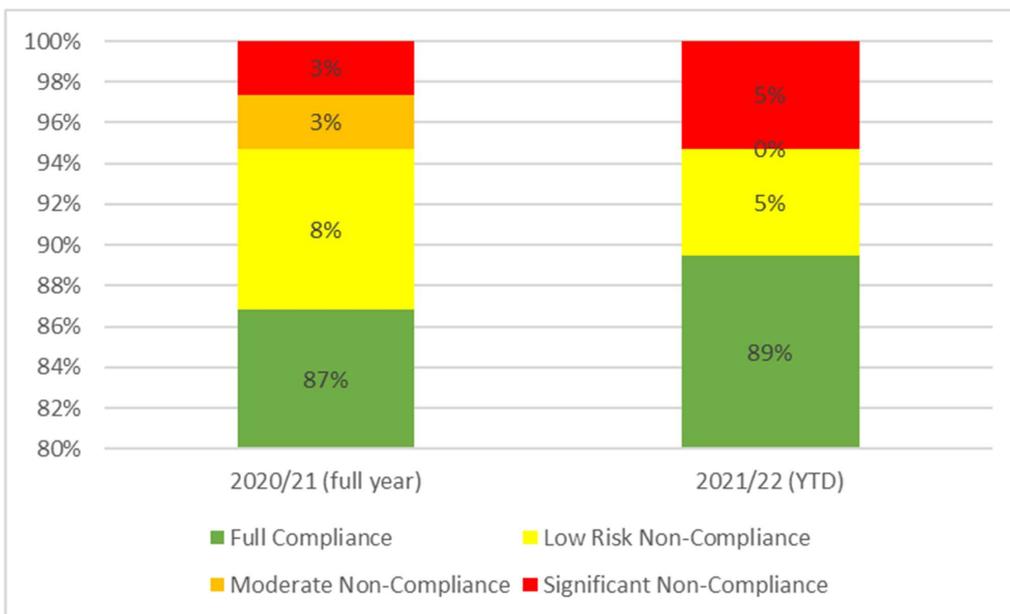
**Figure 18: Dairy Inspection Grades Year on Year**



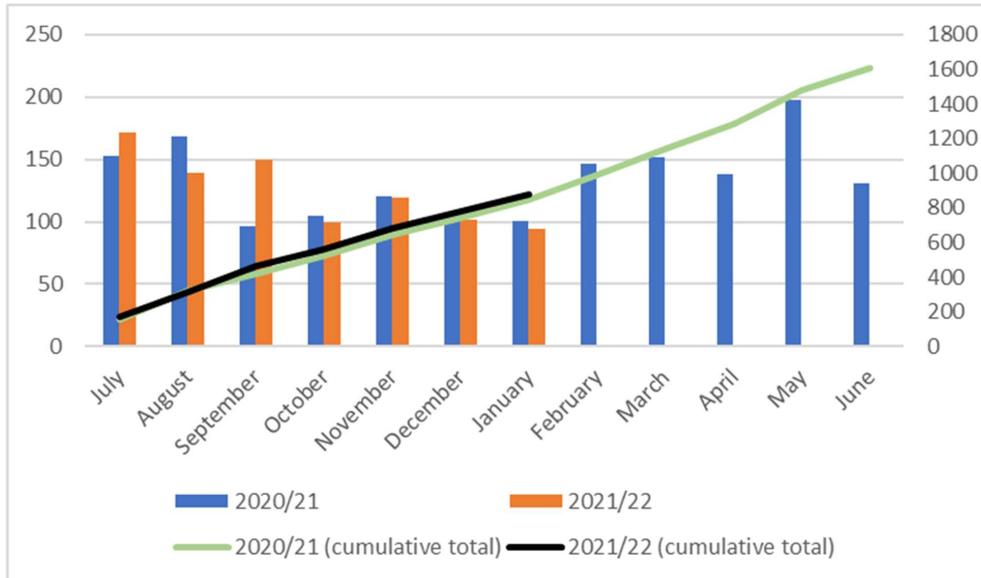
**Figure 19: Forestry Notifications and Inspections**



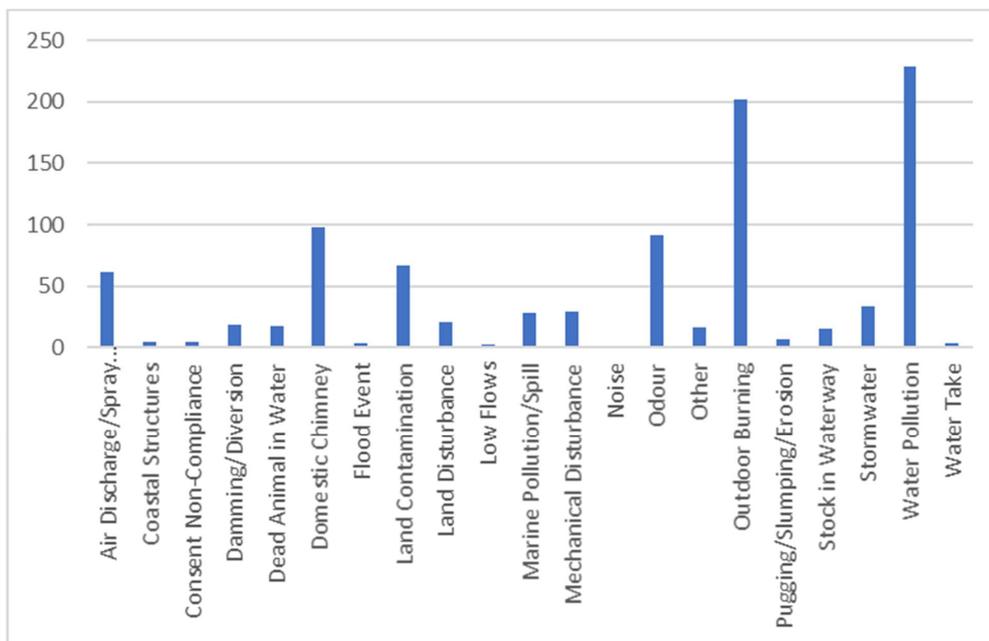
**Figure 20: Forestry Inspection Grades Year on Year**



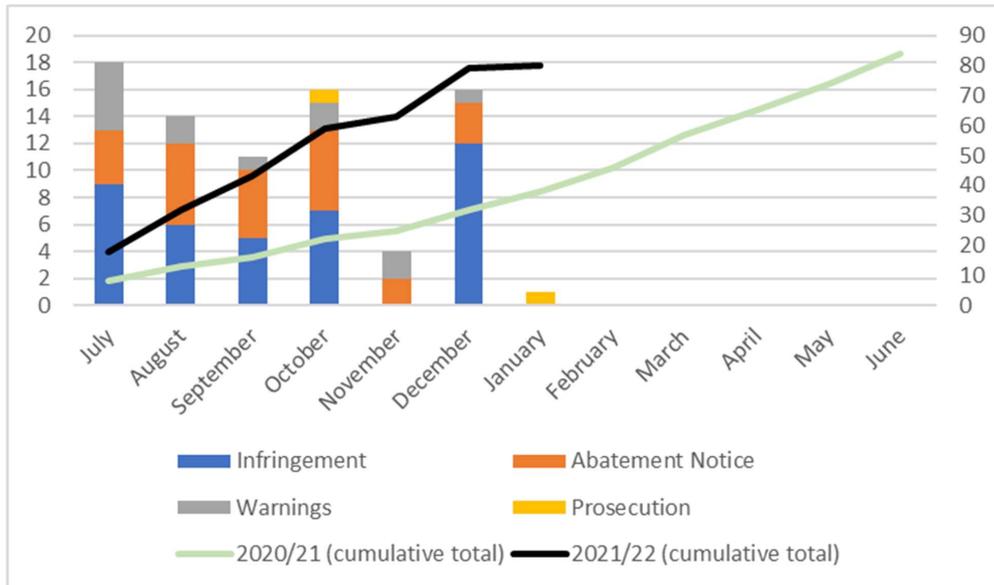
**Figure 21: Service Requests**



**Figure 22: Service Requests by Type**



**Figure 23: Enforcement Actions**



**Figure 24: Enforcement Causes**

