Otago Regional Council

ORC SECTION 42A REPORT

File No: ResourceConsents- 842472334-17314
Application No: RM25.331.01-02
Prepared for: Consents Decision Panel
Prepared by: Charles Horrell, Consultant Planner
Notification Report: ResourceConsents-842472334-1087
Date: 9 September 2025

Subject: Land Use Consent Applications RM25.331.01 – 02 by Otago Regional Council to undertake modifications to the West Taieri Contour Channel flood banks for the purpose of flood protection

1. Summary of Recommendation

I recommend that this application be approved, subject to the conditions discussed at the end of this report.

Please note that this report contains the recommendations of the Consultant Planner and represents the opinion of the writer. It is not a decision on the application.

There are no principal issues in contention with the applicant, and no evidence was heard as it relates to the application as it is being processed limited notified[1] without a hearing.

2. Background Informaiton

The Otago Regional Council (**ORC**) has a statutory responsibility to minimise and prevent flood and erosion damage under the Soil Conservation and Rivers Control Act 1941, and the avoidance or mitigation of natural hazards, including flooding, under section 30 of the Act. This is achieved in part through the operation and maintenance of flood protection schemes and infrastructure. This includes the Lower Taieri Flood Protection Scheme, which consists of a series of floodbanks, spillways and ponding areas. The West Taieri Contour Channel forms part of this wider flood protection scheme and is located on the western side of the Taieri Plain, extending from Lake Waipori to Woodside.

Proposal

ORC is proposing upgrades to the flood banks of the West Taieri Contour Channel between Miller Road and Woodside Road. Those upgrades consist of reconstructing and increasing the height of the floodbanks along a 6.4 km section of the Contour Channel. The works are split into two sections, with section 1 between Miller and Huntly Road, and section two between Huntly and Woodside Road. I have shown the full extent of where works are proposed in **Figure 1** below.

[1] Report reissued with wording change from non-notified to limited notified on 9/12/2025

Figure 1: Section of Contour Channel where works are proposed.

Proposed works to the flood banks will involve initial earthworks and excavation of the existing foodbanks, followed by reconstruction of flood banks to allow for an additional 600 mm of free board. All material required for construction is proposed to be sourced on site through two borrow areas. Full engineering plans have been provided by ORC – a typical cross section of proposed works to the flood bank is shown below in **Figure 2** below.

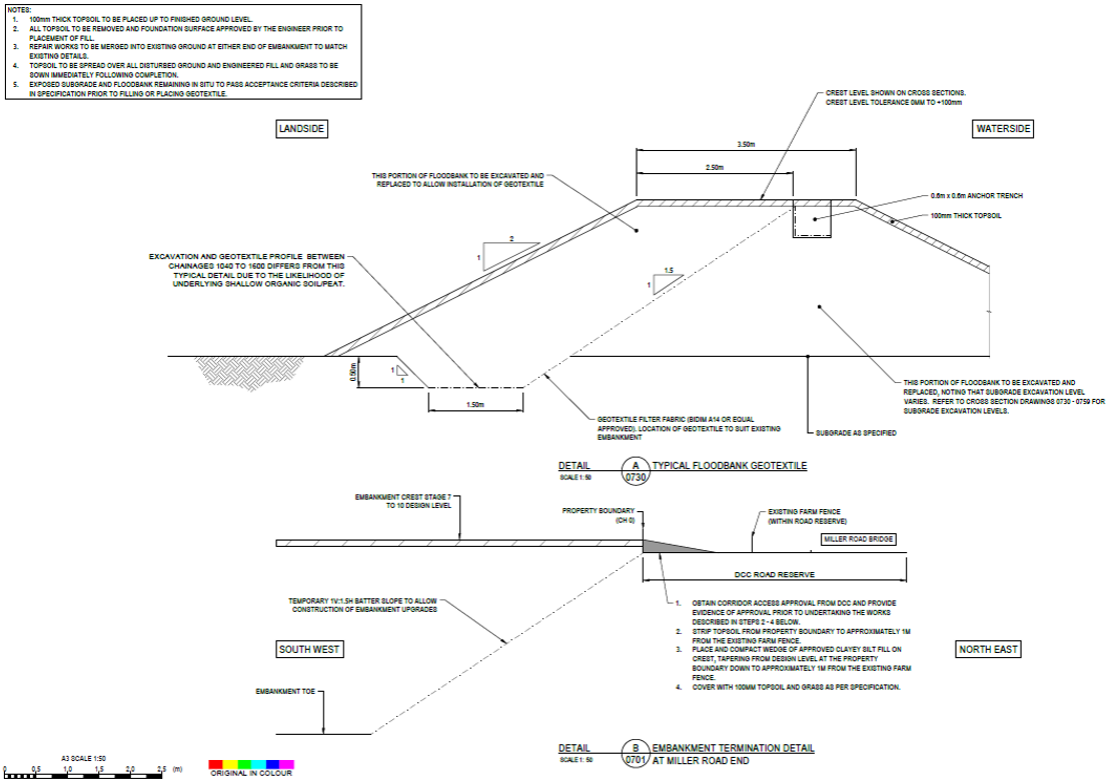


Figure 2: Typical cross section of proposed upgrades to flood banks.

In order to provide for construction activities, ORC also propose to construct two temporary crossings within Contour Channel during the construction period. As property access agreements are still pending and a contractor has not been engaged, ORC does not have confirmed locations or design for those crossings. As a result, ORC have proposed that the location and design of those crossings will be confirmed ahead of construction and have proposed conditions of consent to require the design and construction to provide for fish passage and flood capacity.

Mitigation Measures

The main form of mitigation proposed is the preparation and adherence of a Construction Management Plan (CMP) that will detail all measures to minimise effects during construction. A draft CMP has not been provided, but based on the Applicant's description, it is understood that this CMP will require the following:

- All works to be supervised by a suitably qualified and experienced civil engineer;
- Measures to maintain fish passage during construction;
- Measures to minimise river bed disturbance during the placement of culvert crossings; and
- Erosion and sediment control measures in accordance with *Auckland Council's Guidance for Erosion and Sediment Control (GD05)*.

In addition, as noted, proposed conditions of consent have been put forward to require the crossing to be confirmed ahead of construction and to meet minimum requirements for providing fish passage and flood capacity.

Application

The Applicant has provided the following documentation with the application:

- *Assessment of Environmental Effects,* prepared by Mitchell Daysh Limited dated July 2025.
- Further information response, prepared by Mitchell Daysh dated 29 August 2025, including:

- Appendix A: Engineering Drawings prepared by Geosolve
- Appendix B: Draft Design Summary Report prepared by Geosolve
- Appendix C: Correspondence with Fish and Game

Status of Application

Resource consents are required under the Regional Plan: Water for Otago in accordance with the following Rules:

- **Restricted discretionary** activity rule 13.2.2.1: Placement of a structure (crossing) in and over the bed of the Contour Channel;
- **Discretionary** activity rule 13.5.3.1: Alteration of a bed of the Contour Channel while placing temporary crossings; and
- **Discretionary** activity rule 14.3.2.1: Reconstruction, replacement or alteration of defence against water.

A full assessment of the application against the relevant rules of the planning documents is provided in Section 4 of the Notification Decision[2].

Notification Decision

The notification decision was made on 9 September 2025[3] to proceed the Application on limited notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991. The following parties were identified as affected and notified of the application on 16 September 2025:

Address	Landowner	Legal Description	Record of Title
75 Woodside Road, Woodside, Outram	David John Reid	Fee Simple, 1/1, Section 18 Irregular Block West Taieri Survey District	892757
254 Huntly Road, Woodside, Outram	Abacus ST02 Limited	Fee Simple, 1/1, Part Section 1, Part Section 3-5, Section 2 and Section 7 Block VI West Taieri Survey District	OT14B/1168
56 McDonald Road, Woodside, Outram	Mark Thomson Adam / Tracey Jayne Adam / Marks & Worth No. 5 Limited	Fee Simple, 1/1, Part Section 3-6 and Part Section 9-12 Block VI West Taieri Survey District	OT18D/884
342 Huntly Road, Woodside, Outram	Terrance Fredrick Burling	Fee Simple, 1/1, Part Section 5-6 Block VI West Taieri Survey District	OT262/199
1 Dow Road, Woodside, Outram	Ian George Harvey	Fee Simple, 1/1, Part Section 12 Block II West Taieri Survey District	OT378/14

[2] Reference: ResourceConsents-842472334-10878.
[3] Reference: ResourceConsents-842472334-10878.

375 Huntly Road, Woodside, Outram	Scott Clark / Amy Elizabeth Clark	Fee Simple, 1/1, Part Section 7 Block III West Taieri Survey District	OT106/172
427 Huntly Road, Woodside, Outram	Russell Stuart Melville / Webb Farry Nominees Limited	Fee Simple, 1/1, Lot 1 DP 20676	OT12C/267
43 Tree Road, Woodside, Outram	Adrianus Petrus Henricus Bekkers / Theodora Johanna Maria Gerarda Bekkers	Fee Simple, 1/1, Section 5 and Part Section 6 Block III West Taieri Survey District and Part Section 38 Irregular Block West Taieri Survey District	OT96/80
378 Miller Road, Woodside, Outram	Brice Horner	Fee Simple, 1/1, Part Section 37 Irregular Block West Taieri Survey District	OT262/182
108 Grainger Road, Woodside, Outram	Philip Wilson	Fee Simple, 1/1, Section 33 Irregular Block West Taieri Survey District and Section 35 Irregular Block West Taieri Survey District and Part Section 32 Irregular Block West Taieri Survey District and Part Section 34 Irregular Block West Taieri Survey District	OT10B/927
91 Mann Road, Woodside, Outram	Brian Cookson	Leasehold, 1/1, Section 1 - 4, 10 Block IV and Section 13 Block IV West Taieri Survey District and Section 27 Irregular Block West Taieri Survey District	867905

At the close of the submission period[4], no submissions were received. The Applicant did however receive a written approval from Aukaha on behalf of Te Rūnanga o Ōtākou.

As no submissions were received, the decision may proceed with out need for a hearing.

[4] 16 October 2025

Otago Regional Council

3. Section 104 Evaluation

Section 104 of the Act sets out the matters to be considered when assessing an application for a resource consent. These matters are subject to Part 2, the purpose and principles, which are set out in Sections 5 to 8 of the Act.

As this application is for a discretionary activity, the Council may grant or refuse the application. If granting consent, the Council may impose conditions under section 108 of the Act.

2.1 Section 104(1)

The remaining matters of Section 104 to be considered when assessing an application for a resource consent are:

a) the actual and potential effects on the environment of allowing the activity;
ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity
b) any relevant provisions of a national environmental standard, other regulations, a national policy statement, the Regional Policy Statement (RPS), RPW; and
c) any other matter the Council considers relevant and reasonably necessary to determine the application.

2.2 Actual and potential effects on the environment of allowing the activity

The actual and potential adverse environmental effects of the proposed activity were considered in the notification recommendation report. I will not repeat that assessment here, but in summary, the actual and potential effects were assessed to be no more than minor.

In addition to these adverse effects, it is considered that the proposal will have the following positive effects:

- **Enhanced flood resilience and infrastructure protection**: The upgrades will safeguard nationally and regionally significant infrastructure—including Dunedin International Airport and key state highways (SH86, SH87)—from increasingly frequent flooding events, ensuring continued connectivity and economic stability across Otago.
- **Economic and employment benefits**: With an estimated $9 million investment and a three-year construction timeline, the project will create approximately 20 full-time equivalent jobs, while also protecting 7,300 hectares of highly productive farmland and supporting local agricultural employment.

2.3 S104(1)(ab)

The applicant has not proposed or agreed to any measures to offset or compensate for adverse effects that will or may result from allowing the activity. I consider this is appropriate as the potential adverse effects are expected no more than minor e.g. no residual adverse effects.

2.4 S104(1)(b) Relevant Planning Documents

The relevant planning documents in respect of this application are:

- The National Policy Statement for Freshwater Management
- The Proposed Regional Policy Statement and Partially Operative Regional Policy Statement
- The Regional Plan: Water for Otago

2.4.1 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management (**NPS-FM**) provides a national objectives framework to assist regional councils and communities to more consistently and transparently plan for and achieve freshwater objectives. Te Mana o te Wai – the integrated and holistic well-being of a freshwater body – is an integral part of the framework. Upholding Te Mana o te Wai requires acknowledging and protecting the mauri of water. This requires that Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people) be provided for when using water.

Through a recent Resource Management Amendment Act, Section 104(2F) has been inserted which requires decision makers to not have regard to the hierarchy of prioritisation set out in the concept of Te Mana o Te Wai and the Objective of the NPS-FM. While those matters must not be considered, there remain relevant directions in the NPS-FM for this application. Consideration of those relevant matters is provided below.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

Tangata whenua have been actively engaged in the consent process, including through being notified of the application and engaged to provide written approval (via Aukaha).

Policy 9: The habitats of indigenous freshwater species are protected.
Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy

The Contour Channel supports both indigenous and introduced species. Adverse effects on those habitats will be protected through implementing the Construction Management Plan that includes measures to minimise any river works and to minimise sediment discharges. Fish passage is also proposed to be provided through the design and construction of the culverts. Recommended conditions of consent will ensure this is provided for.

Policy 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

Based on the assessment of the application against the policies above, it is considered that the application enables communities to provide for their social, economic, and cultural wellbeing in a way that is consistent with the NPSFM.

2.4.2 Partially Operative and Proposed Otago Regional Policy Statement

There are currently two regional policy statements in play in the Otago Region:

- Partially Operative Regional Policy Statement 2019, amended 2021 (**PORPS**)
- Proposed Otago Regional Policy Statement which was notified on the 26 June 2021 (**PRPS**). The decision on the PRPS was released on 30 March 2024, which remains under appeal.

For completeness, the relevant operative policies PORPS 2021 have been included below, alongside the relevant proposed policies in the PRPS 2021.

Partially Operative Regional Policy Statement 2019 (amended 2021)

Objective 1.1 Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities

Policy 1.1.2 Social and cultural wellbeing and health and safety - Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:
a) Recognising and providing for Kāi Tahu values;
b) Taking into account the values of other cultures;
c) Taking into account the diverse needs of Otago's people and communities;
d) Avoiding significant adverse effects of activities on human health;
e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing;
f) Promoting good quality and accessible infrastructure and public services

The proposed flood protection works align with Objective 1.1 and Policy 1.1.2 by enabling the sustainable use of resources to protect communities and support wellbeing. Specifically, the works:

- Recognise Kāi Tahu values through engagement with Aukaha,
- Promote health and safety by reducing flood risk,
- Support community resilience and infrastructure protection,
- Avoid significant adverse effects on human health, and
- Reflect the diverse needs of Otago's communities by protecting both urban and rural areas.

Objective 2.2 Kāi Tahu values, interests and customary resources are recognised and provided for.

Policy 2.2.1 Kāi Tahu wellbeing - Manage the natural environment to support Kāi Tahu wellbeing by all of the following:
a) Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and,
b) Safeguarding the life-supporting capacity of natural resources.

Kāi Tahu values, interests and customary resources have been considered in Sections 3.1.2 and 5.5 of the Notification Report. In addition, Aukaha have provided written approval on behalf of Te Rūnanga o Ōtākou.

Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded.

Policy 3.1.9 Ecosystems and indigenous biological diversity - Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to:
a) Maintain or enhance:
i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna;
ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;
b) Maintain or enhance as far as practicable:
i. Areas of predominantly indigenous vegetation;
ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity;
iii. Areas buffering or linking ecosystems;
c) Recognise and provide for:
i. Hydrological services, including the services provided by tall tussock grassland;
ii. Natural resources and processes that support indigenous biological diversity;

d) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

The effects on ecosystems and biodiversity have been considered in Section 5.1 of the Notification Report and are concluded to be less than minor. The proposal will continue to maintain the biodiversity values in accordance with Objective 3.1 and Policy 3.1.9 with the mitigation measures, including adherence to the CMP, which limits any adverse effects to be short in duration and minor.

Overall, subject to the recommended conditions of consent, I consider that the application is consistent with the relevant objectives and policies of the Partially Operative Regional Policy Statement.

Proposed Otago Regional Policy Statement (PRPS 2021)

MW–O1 – Principles of Te Tiriti o Waitangi The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils and Papatipu Rūnaka to ensure that what is valued by mana whenua is actively protected in the region.

MW–P1 – Treaty obligations Promote awareness and understanding of the obligations of local authorities in regard to the principles of Te Tiriti o Waitangi, tikaka Māori and kaupapa Māori.

MW–P2 – Treaty principles Local authorities exercise their functions and powers in accordance with Treaty principles, by:

1. recognising the status of Kāi Tahu and facilitating Kāi Tahu involvement in decision-making as a Treaty partner,
2. including Kāi Tahu in resource management processes and implementation to the extent desired by mana whenua,
3. recognising and providing for Kāi Tahu values and resource management issues, as identified by mana whenua, in resource management decision-making processes and plan implementation,
4. recognising and providing for the relationship of Kāi Tahu culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka by ensuring that Kāi Tahu have the ability to identify these relationships and determine how best to express them,
5. ensuring that regional and district plans recognise and provide for Kāi Tahu relationships with Statutory Acknowledgement Areas, tōpuni, nohoaka and customary fisheries identified in the NTCSA 1998, including by actively protecting the mauri of these areas,
6. having particular regard to the ability of Kāi Tahu to exercise kaitiakitaka,
7. actively pursuing opportunities for:
    i. delegation or transfer of functions to Kāi Tahu, and
    ii. partnership or joint management arrangements, and
8. taking into account iwi management plans when making resource management decisions.

MW–P3 – Supporting Kāi Tahu well-being The natural environment is managed to support Kāi Tahu well-being by:

1. protecting customary uses, Kāi Tahu values and relationships of Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities,
2. safeguarding the mauri and life-supporting capacity of natural resources, and
3. working with Kāi Tahu to incorporate mātauraka in resource management.

The principles of Te Tiriti o Waitangi have been given effect to throughout the processing of this consent application. Kāi Tahu values, interests and customary resources have been recognised and provided for.

IM–P2 – Decision priorities Unless expressly stated otherwise, all decision making under this RPS shall:

1. first, secure the long-term life-supporting capacity and mauri of the natural environment,
2. secondly, promote the health needs of people, and
3. thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Priority has been given to the life-supporting capacity and mauri of the natural environment, particularly through mitigation measures proposed which seek to avoid adverse effects. The proposal is not anticipated to impact upon the health needs of people. The application also supports people and communities in providing for their social, economic, and cultural wellbeing by facilitating the continuation of these important flood protection activities

EIT-INF-O4 – Provision of infrastructure *Effective, efficient, safe and resilient infrastructure, nationally significant infrastructure and regionally significant infrastructure enables the people and communities to provide for their social and cultural wellbeing, their health and safety, and supports sustainable economic development and growth in the region.*

EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment *When providing for new infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment:*

(1) avoid, as the first priority, locating infrastructure in all of the following:
- *a. significant natural areas,*
- *b. outstanding natural features and landscapes,*
- *c. wetlands,*
- *d. outstanding water bodies,*
- *e. areas or places of significant or outstanding historic heritage, and*
- *f. wāhi tupuna, and*

(2) if it is not reasonably practicable to avoid locating in the areas listed in (1) above because of the functional needs or operational needs of the infrastructure, nationally significant infrastructure and regionally significant infrastructure manage adverse effects as follows:
- *1. for nationally or regionally significant infrastructure:*
  - *a. in significant natural areas, in accordance with ECO-P4,and ECO-P6,*
  - *b. in wetlands, in accordance with the relevant provisions in the NESF,*
  - *c. in outstanding water bodies, in accordance with LF–FW-P12,*
  - *d. in relation to wāhi tūpuna, in accordance with HCV-WT-P2,*
  - *e. in other areas listed in EIT-INF-P13 (1) above, the adverse effects of the infrastructure on the values that contribute to the area's importance shall be:*
    - *i. remedied or mitigated to the extent practicable, and*
    - *ii. where they cannot be practicably remedied or mitigated, regard shall be had to offsetting and/or compensation of more than minor residual adverse effects.*

The definition of 'regionally significant infrastructure' includes "*Otago Regional Council's hazard mitigation works including flood protection infrastructure and drainage schemes*" – therefore the application relates to providing for regionally significant infrastructure. The economic, social and cultural benefits of the proposal have been recognised. With relation to EIT-INF-P13, the site does not relate to any areas or habitats identified in EIT-INF-P13(1); regardless, best practice measures to otherwise avoid, minimise and remedy adverse effects have been adopted.

Overall, subject to the recommended conditions of consent, it is considered that the application is consistent with the relevant objectives and policies of the PO-RPS and PRPS.

2.4.3 Regional Plan: Water for Otago

Relevant objectives and policies of the RPW are found in Chapter 5 (Natural and Human Use Values of Lakes and Rivers), Chapter 7 (Water Quality) and Chapter 8 (The Beds and Margins of Lakes and Rivers):

- *to undertake the works in a manner that avoids, in preference to remedying or mitigating, adverse effects on natural values and character, ecology and habitat, water supply values, historic places or archaeological sites, values of significance to Kai Tahu, amenity values, lawful water users and causing or exacerbate flooding, erosion, land instability, sedimentation or property damage (5.4.2).*
- *to recognise Kai Tahu's interests in Otago's lakes and rivers by promoting opportunities for their involvement in resource consent processing (5.4.4).*
- *requires regard to topography, natural flow characteristics or water levels, water colour and clarity, ecology, the extent of use or development within the catchment, when considering adverse effects on natural character of lakes, rivers and their margins (5.4.8).*
- *to give priority to avoiding changes in the nature of flow and sediment processes in those water bodies, where those changes will cause adverse effects on the stability and function of existing structures; associated erosion, sedimentation or land instability; or any reduction in the flood carrying capacity of any lake or river (8.4.1).*

The mitigation measures, including those outlined in the Construction Management Plan (CMP), are prioritises avoidance of adverse effects. These measures include erosion and sediment controls to avoid and minimise sediment discharges, and measures to minimise river bed disturbance and maintain fish passage.

Kāi Tahu values, interests, and customary resources have been considered in Sections 3.1.2 and 5.5 of the Notification Report. In addition, Aukaha has provided written approval on behalf of Te Rūnanga o Ōtākou, confirming support for the proposed works.

As assessed in Section 5.4 of the Notification Report, any temporary effects on flooding or flow capacity within the Contour Channel will be short in duration and localised to the construction period. Upon completion, the upgrades will enhance flood resilience and improve flow capacity.

Subject to the recommended conditions of consent, the proposal is considered to be consistent with the relevant objectives and policies of the Regional Plan: Water for Otago.

2.5 Section 104(1)(c) Any other matters

2.5.1 Kai Tahu ki Otago Natural Resource Management Plans

The above is considered to be a relevant other matter for the consideration of this application. This is because the RPW is yet to be amended to take into account this Plan and this Plan expresses the attitudes and values of the four Papatipu Rūnaka: Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki

Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga. The following objectives and policies are of most relevance to this application:

- To require an accidental discovery protocol for any disturbance to the coastal marine environment.
- The waters of the Otago catchment are healthy and support Kai Tahu Ki Otago catchments.
- The spiritual and cultural significance of water to Kai Tahu ki Otago is recognised in all water management.
- To promote best practise methods for harbour works that minimise sedimentation during proposed works..

The Applicant has engaged with Aukaha on behalf of Te Rūnanga o Ōtākou who provided written approval. Best practice mitigation measures have been proposed to minimise and avoid adverse effects, including sedimentation. A recommended condition of consent requires the accidental discovery protocol to be adhered to during works.

Overall, subject to conditions of consent the proposal is considered to be consistent with this management plan.

6 Part 2 of the Act

Under Section 104(1) of the RMA, a consent authority must consider resource consent applications "subject to Part 2" of the RMA, specifically, sections 5, 6, 7 and 8.

The Court of Appeal has recently clarified how to approach the assessment of "subject to Part 2" in section 104(1). In *R J Davidson* the Court of Appeal found that (in summary):[5]

- Decision makers must consider Part 2 when making decisions on resource consent applications, where it is appropriate to do so. The extent to which Part 2 of the RMA should be referred to depends on the nature and content of the planning documents being considered.
- Where the relevant planning documents have been prepared having regard to Part 2 of the RMA, and with a coherent set of policies designed to achieve clear environmental outcomes, consideration of Part 2 is not ultimately required. In this situation, the policies of these planning documents should be implemented by the consent authority. The consideration of Part 2 "would not add anything to the evaluative exercise" as "genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome". However, the consideration of Part 2 is not prevented, but Part 2 cannot be used to subvert a clearly relevant restriction or directive policy in a planning document.
- Where it is unclear from the planning documents whether consent should be granted or refused, and the consent authority has to exercise a judgment, Part 2 should be considered.
- If it appears that the relevant planning documents have not been prepared in a manner that reflects the provisions of Part 2, the consent authority is required to consider Part 2.

In this case, there is no ambiguity, and the planning documents do not conflict, therefore it is not necessary to consider Part 2. However, for completeness, an assessment has been given below.

The application is consistent with the purpose and principles of the RMA, as set out in sections 5 to 8. The proposed activity enables the use and development of natural and physical resources while safeguarding the life-supporting capacity of the ecosystem. Recommended conditions will ensure that any adverse effects are avoided, remedied, or mitigated.

[5] *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316.

With respect to section 6, the proposal preserves the natural character of rivers and protects significant indigenous vegetation and habitats of indigenous fauna. It also recognises the relationship of Māori and their culture and traditions with water, with Aukaha on behalf of Te Rūnanga o Ōtākou having provided written approval for the works.

In accordance with section 7, particular regard has been given to kaitiakitanga, the ethic of stewardship, the efficient use of resources, intrinsic ecosystem values, water quality, and the protection of trout and salmon habitat.

Section 8 is satisfied as the principles of Te Tiriti o Waitangi have been taken into account, and the application has followed Council's iwi consultation protocols. Mana whenua were identified as affected parties and have been engaged accordingly.

9 Section 108 and 108AA of the Act

Recommended conditions of consent will ensure that any adverse effects are avoided, remedied or mitigated. The attached conditions are recommended in accordance with Section 108 of the Act. I note that those conditions largely reflect measures proffered by the Applicant (including adherence to the EMP), with the additional conditions as indicated in Section 5 of the Notification Report, and above. The Applicant has also been provided a copy of the draft conditions and have confirmed their comfort with the recommended conditions.

10 Recommendation

That the Council grants to Otago Regional Council, Land Use Consent RM25.331.01 and Land Use Consent RM25.331.02, subject to the terms and conditions set out in the attached consent.

10. 1 Reasons for the Recommendation

(a) The effects of the activity are expected to be no more minor.
(b) The activity is consistent with the relevant statutory requirements.
(c) The activity is consistent with Part 2 of the Act.

10.2Duration of Consent

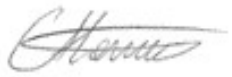
Case law has distilled the following factors that will be relevant to the Council's determination of the duration of a resource consent:

- The duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management;
- Whether adverse effects would be likely to increase or vary during the term of the consent;
- Whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
- Whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
- That conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
- Whether review conditions are able to control adverse effects;
- Whether the relevant plan addresses the question of the duration of a consent;
- The life expectancy of the asset for which consents are sought;

- Whether there was significant capital investment in the activity/asset; and
- Whether a particular period of duration would better achieve administrative efficiency.

The Applicant had indicated a duration of five years to align with their anticipated construction period. This would relate to both land use consents.

Based on the nature of the proposal, I consider that a five year duration is appropriate. While construction is anticipated to commence within the next 12 months, the five year duration will provide for any unforeseen delays. As such, I recommend a duration of five years.



Charles Horrell
Consultant Planner
20 October 2025

Otago Regional Council

DECISION ON RESOURCE CONSENT APPLICATION

Section 113 of the Resource Management Act 1991

Date: **20 November 2025**

Application No: **RM24.331**

Subject: ***Decision on resource consent application under delegated authority***

1. Notification

The application was approved to be processed on a limited-notified basis on 9 September 2025.

2. Decision and Reasons for Decision

I have considered the information provided, reasons and recommendation in the above report.

No principal issues were in contention and no evidence was heard as this was a limited notified[6] consent that did not require a hearing. There are no main findings as it relates to any principal issues in contention.

I agree with the reasons and recommendations provided by Charles Horrell, Consultant Planner, in the above report and adopt them as the reasons for decision under Section 113(1) to (3). This decision, report and any accompanying letter are the written decision under Section 113(4).

3. Conditions (section 108)

Pursuant to sections 108 and 108AA of the RMA, this consent is issued subject to the appended conditions.

4. Decision under delegated authority

Under delegated authority, this resource consent application is granted by the Otago Regional Council by:

Allan Cubitt
Independent Decision Maker for Otago Regional Council

[6] Report reissued with wording change from non-notified to limited notified on 9/12/2025