

# Assessment of Environmental Effects

## Otago Regional Council

For resource consent to undertake drain maintenance in the  
2025/2026 works season

Otago Region

5 November 2025



## Quality Control

|                       |                                                                       |
|-----------------------|-----------------------------------------------------------------------|
| <b>Title</b>          | Assessment of Environmental Effects, Application for Resource Consent |
| <b>Client</b>         | Otago Regional Council                                                |
| <b>Version</b>        | Version 2.4                                                           |
| <b>Date</b>           | 5 November 2025                                                       |
| <b>File Reference</b> | C31026.00                                                             |
| <b>Prepared by</b>    |                                                                       |
| <b>Signature</b>      |                                                                       |
| <b>Reviewed by</b>    | Jacqui Todd                                                           |
| <b>Signature</b>      |                                                                       |

## Limitations

The report has been prepared for Otago Regional Council according to their instructions, to support a resource consent application. This report has been prepared on the basis of information provided by various other consultants. Incite has not independently verified the provided information and has relied upon it being accurate and sufficient for use by Incite in preparing the report. Incite accepts no responsibility for errors or omissions in the provided information.

## Copyright

This document and its contents remain the property of Incite and Otago Regional Council. Any unauthorised use or reproduction, in full or in part, is forbidden.

## Contents

|                                                                         |           |
|-------------------------------------------------------------------------|-----------|
| <b>Contents</b>                                                         | <b>3</b>  |
| <b>Introduction</b>                                                     | <b>4</b>  |
| <b>Background</b>                                                       | <b>4</b>  |
| Reason for consent                                                      | 4         |
| <b>Description of the Proposal</b>                                      | <b>5</b>  |
| Plans and Documentation                                                 | 5         |
| The Proposal                                                            | 5         |
| Methodology                                                             | 5         |
| Proposed conditions                                                     | 9         |
| The Site and Surrounds                                                  | 9         |
| <b>Rule assessment</b>                                                  | <b>10</b> |
| National Environmental Standards                                        | 11        |
| Regional Plan: Water for Otago (RPW)                                    | 11        |
| Summary                                                                 | 11        |
| <b>Assessment of Environmental Effects</b>                              | <b>11</b> |
| Effects on the Hydraulic Capacity and Flow Characteristics              | 12        |
| Effects on Aquatic Ecosystems                                           | 12        |
| Effects on River Values                                                 | 13        |
| Effects on Other Water Users                                            | 14        |
| Cumulative Effects                                                      | 14        |
| Consideration of Alternative Methods                                    | 14        |
| Summary                                                                 | 14        |
| <b>Statutory Assessment</b>                                             | <b>14</b> |
| Part 2 Matters                                                          | 15        |
| National Policy Statement for Freshwater Management (NPSFM)             | 15        |
| Otago Regional Policy Statements (RPS)                                  | 17        |
| Regional Plan: Water for Otago                                          | 20        |
| Te Rūnanga o Ngāi Tahu Freshwater Policy Statement (Ngāi Tahu FPS)      | 22        |
| Kai Tahu ki Otago Natural Resource Management Plan 2005 (Kāi Tahu NRMP) | 22        |
| <b>Notification and Consultation</b>                                    | <b>24</b> |
| Public Notification                                                     | 24        |
| Limited Notification                                                    | 25        |
| Consultation                                                            | 25        |
| <b>Conclusion</b>                                                       | <b>26</b> |
| <b>Appendix A - Location Plans</b>                                      | <b>27</b> |
| <b>Appendix B – Site photos</b>                                         | <b>28</b> |

## Introduction

1. This assessment is provided in accordance with the requirements of Section 88 of the Resource Management Act 1991 and the Fourth Schedule to the Act. It is in support of this resource consent application made by Otago Regional Council (ORC or Council) for consent to undertake maintenance activities in one waterbody that forms part of the ORC managed drainage network.
2. Resource consent is required for maintenance of this waterbody as it is considered to be a river, rather than a drain or artificial watercourse.
3. Resource consent is required under the Regional Plan: Water for Otago (RPW) for the alteration of the bed of any lake or river as a discretionary activity.
4. A consent duration of 1 year is sought for this resource consent, on the basis that the proposed works are one off maintenance works, intended to be carried out within the 2025/2026 works season between November and March (inclusive).

## Background

5. River and waterway management works are carried out by ORC through its Engineering function. The purpose of river management activities are to primarily maintain river and stream channel capacity. The primary purpose of this work is to prevent the loss of any channel capacity, so that should a flood event occur, waters can flow without undue obstruction.
6. The Council has responsibilities under the Soil Conservation and River Control Act 1941 (SCRCA) to protect properties from damage caused by floods (amongst other things). The purpose of the SCRCA is to promote soil conservation, prevent and mitigate soil erosion and prevent damage by floods.
7. The Council owns river control assets, and manages several drainage networks. These assets and networks are identified in the ORC Flood Protection Management Bylaw 2022.
8. The works sought to be authorised under the proposed consent are in part to enable the Council to meet their obligations under the SCRCA, in relation to protecting properties from damage caused by floods.

## Reason for consent

9. The Council currently holds global network consent RM21.073, which authorises most 'business as usual' activities associated with their river management assets.
10. In accordance with the Environmental Management Plan, which is a keystone of the consent, RM21.073 does not authorise channel clearing or maintenance of the ORC managed drainage networks, nor drains (artificial watercourses) outside of this network. The EMP specifies that the clearance of drains will either be authorised as a permitted activity under the RPW (undertaken in accordance with the permitted activity conditions) or otherwise authorised via site specific consents.

11. In preparing the drain maintenance programme for the 2025/2026 works season, ORC has identified that one waterbody within the drainage network where maintenance works are required is likely to be classified as a river, rather than a drain.<sup>1</sup> The proposed works for this waterbody do not meet the conditions of the relevant permitted activity rules, so resource consent is needed to carry out works.
12. Drain maintenance is carried out on a regular and targeted basis, with the aim to restore and maintain the original drain configuration (cross section & long section) and restore the hydraulic capacity of the drain. Care is taken to not dig invert levels lower than their design height, as this will encourage bank instability (degradation), which would require additional work to remediate.

## Description of the Proposal

### Plans and Documentation

13. The following plans and documentation are attached as appendices:
  - Appendix A - Location Plan
  - Appendix B – Site photos

### The Proposal

14. Drain maintenance works will be undertaken in one location, as shown in Appendix A - Location Plan, with photos of the drain provided in Appendix B – Site photos. Table 1 below provides further detail on the works to be undertaken.
15. The drain is identified in the First Schedule of the ORC Flood Protection Management Bylaw 2022.

*Table 1: Summary of proposed works*

|                                                   | Drain M5                                 |
|---------------------------------------------------|------------------------------------------|
| <b>Network</b>                                    | East Taieri                              |
| <b>Total length</b>                               | 3.131 km                                 |
| <b>Length of works</b>                            | 500 m                                    |
| <b>Upper and lower limit of works (NZTM 2000)</b> | E1393134 N4920258                        |
|                                                   | E1393113 N4919974                        |
| <b>Nature of works</b>                            | Remove built-up vegetation and sediment. |

### Methodology

17. Works will be undertaken in accordance with the methodologies set out below. Where possible, the same practices as are required in the Environment Management Plan for RM21.073 have

<sup>1</sup> This was confirmed internally with Simon Wilson, ORC Manager Compliance

been adopted, given those practices were the subject of review both by technical experts and partners and stakeholders.

### **General practices**

18. There will be no access of vehicles and machinery in, through or along the bed of the drain. All machinery will be operated from land adjacent to the drain, and will not enter water.
19. Machinery and vehicle refuelling will not occur within 10 m of a waterway.
20. Where conditions allow, works will be undertaken when the drain is dry, or flows are low.
21. Works will be carried out in a downstream direction, starting at the most upstream extent.
22. Where the bed will be disturbed, works will only be undertaken once a suitable sediment trap has been established downstream of the works site to capture suspended sediment in flows below the works. Sediment traps will be managed in accordance with section 3.9 of the EMP, which requires that they:
  - Will be appropriately anchored to the bed or bank to ensure they will not be washed out with normal flows.
  - Will be removed in anticipation of high rainfall or flood events that may result in a wash out.
  - Shall be monitored daily during works to ensure they are secure and functioning as intended.

### **Fish salvage protocol**

23. Fish salvage will be undertaken in accordance with section 3.3 of the EMP under RM21.073, with the text below taken from that section.

#### *Searching of excavated material*

24. For each bucket of material removed, the bucket shall be left submerged in the drain for a short period to provide an opportunity for any fish or invertebrates to escape.
25. While a minimum bucket submersion time has not been specified as the ability of fish to be returned to water is reliant on a number of factors, the following matters will be taken into consideration:
  - In general, most fish swim out of harm's way (so will not be picked up), and those that are picked up may seek cover within the collected material, and therefore may not escape even if the bucket is submerged for a longer period. For this reason, the active searching of excavated material is important.
  - For waterbodies where trout and larger eels may be present, a submersion of at least 3 seconds should be implemented, followed by slowly raising the bucket, as this may encourage them to swim out of the material and return to the river.
  - In all cases, it is important to ensure that the bucket is tipped out in a way that material that was at the top of the bucket is at the top of the pile, so as not to bury any fish on the surface.

26. Excavated material shall be actively searched for any fish, kakahi or large invertebrates such as koura (freshwater crayfish).
27. To enable searching, the top 0.5m of material will be spread out in a thin layer for inspection. Fish or invertebrates recovered will be handled and released according to the New Zealand Freshwater Fish Sampling Protocols,<sup>2</sup> in particular those protocols relating to Fish Welfare (Section 3.9) to reduce the risk of injury or stress to captured fish. Fish shall be handled with wet hands or gloves to reduce the risk of injury. Prior to release, recovered individuals are to be photographed, counted and numbers recorded. Records should also be kept of any mortality.
28. In addition to spreading the top 0.5 m of material to allow searching, the remaining excavated material shall be distributed along the bank of the waterway rather than in mounds, to maximise the opportunity for any eel to return to the water by their own means.

*General requirements for the management of captured fish (excluding perch and tench):*

29. Found or captured fish, kōura and kākahi shall be temporarily held in a bucket(s) containing water from the watercourse. Fish will be held in containers for as short a time as practicable, up to a maximum of one hour. Captured fish will be released immediately if they show any signs of stress.
30. Containers shall not be overstocked and large eels (>500 mm) and kōura shall be kept in separate containers to other captured fish to avoid injury or predation.
31. Prior to release, recovered individuals are to be photographed, counted and numbers recorded. Records should also be kept of any mortality.
32. Fish, kōura and kākahi will be relocated to suitable habitats within the same stream system with similar flow conditions and similar or better habitat. To avoid further permitting requirements, fish must be able to move between sites on their own (i.e. sites must not be separated by any natural or man-made barriers). All fauna shall be released upstream of the affected section of waterway, or, where this is impractical (e.g., appropriate upstream release sites cannot be easily accessed), in a downstream section of the waterway that is below the mixing zone and does not have elevated levels of suspended sediment - to avoid exposing fauna to sediment-induced anoxia (lack of oxygen) when returned to the water.
33. Upon release fish shall be distributed over a similar length of stream as they were caught, with small fish released first. Large numbers of fish shall not be released in one location to minimise the risk of short-term overstocking or predation.
34. The release of fish will be managed to ensure they are not moved beyond any natural or physical barriers that would inhibit their natural movement and migration.
35. Any pest fish captured will be euthanized.
36. For the purpose of the EMP, pest fish are considered to be those species managed under the New Zealand Invasive Fish Management Handbook 2015,<sup>3</sup> and are identified as:

<sup>2</sup> [https://webstatic.niwa.co.nz/static/web/New\\_Zealand\\_Freshwater\\_Fish\\_Sampling\\_Protocols.pdf](https://webstatic.niwa.co.nz/static/web/New_Zealand_Freshwater_Fish_Sampling_Protocols.pdf)

<sup>3</sup> <https://www.doc.govt.nz/Documents/conservation/threats-and-impacts/animal-pests/nz-invasive-fish-management-handbook.pdf>

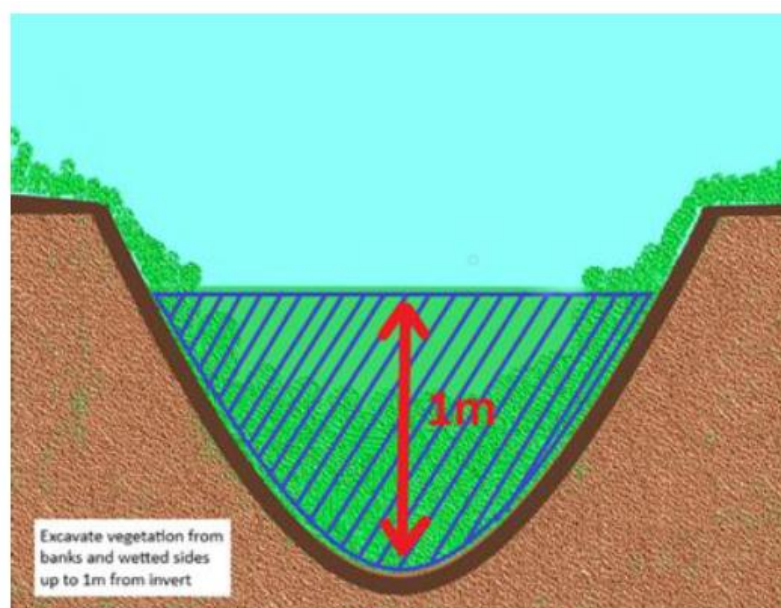
- Koi carp (*Cyprinus carpio*)
- Brown bullhead catfish (*Amerius nebulosus*)
- Gambusia (*Gambusia affinis*)
- Orfe (*Leuciscus idus*)
- Rudd (*Scardinius erythrophthalmus*)
- Goldfish (*Carassius auratus*)

*Management of captured or Tench (*Tinca tinca*) and Perch (*Perca fluviatilis*):*

37. Any perch or tench discovered during works will be relocated from the works site to an area where they are known to be present, or as far downstream in the same waterbody where they were discovered as is practicable.
38. Advice from the Department of Conservation and the relevant Fish and Game Council may be sought to confirm known areas where perch or tench are present.
39. Where perch or tench are discovered in a waterbody, this discovery will be notified to the Department of Conservation and the relevant Fish and Game Council, with the intention that these parties and the ORC Science team will collaborate on a broader removal strategy for that species in the specified waterbody, if removal is deemed to be necessary.

**Removal of vegetation and sediment**

40. Vegetation and sediment will be removed using a digger with a cleaning bucket or weed bucket.
41. Works will be managed to disturb the banks as little as possible, to avoid potential effects on the stability of the bank.
42. Vegetation and sediment will be removed from the banks and wetted sides, up to 1 m from the drain invert, as shown on Figure 1 below.



*Figure 1: Visual representation of removal up to 1 m from drain invert*

43. If works are undertaken when there is water in the drain, sediment controls will be implemented to limit the impact of any sediment mobilised during works. This is likely to include the installation of silt fences downstream of the works site.
44. Once fish salvage protocols have been completed, excavated material will not be stockpiled or placed within 4 m of the banks of the drain.
  - Where landowner permission has been granted, spoil is to be placed neatly alongside, the cleaned drain, maintaining the existing land profile and drainage function. If the landowner requests spoil to be relocated elsewhere on their property, this can be accommodated.
  - If landowner permission is not granted, all spoil is to be carted from the site and disposed of appropriately.

### Proposed conditions

45. Although we request a review of the Council's recommended conditions prior to the application, we are agreeable to the following types of conditions to be included on the consent:
  - Limiting works in accordance with the methodology described above, including extent, nature and timing of works, refuelling of vehicles and fish salvage.
  - Pre-start and post works notification and photos to be provided to the consent authority.
  - General good practice type conditions for works in the bed.
  - Discharge to not cause:
    - A conspicuous change to the colour or clarity of water after reasonable mixing.
    - Conspicuous oil or grease films, scums, foams, or floatable or suspended material after reasonable mixing.
  - Work to not result any flooding, erosion, scouring, land instability or property damage.
  - Minimising and avoiding the spread of pest species
    - It is noted that pest species are unlikely to be present in the subject drain.
  - Leaving the site in a tidy condition following works.
  - Accidental archaeological discovery protocol, and associated guidance from the Heritage New Zealand Pouhere Taonga Act 2014.

### The Site and Surrounds

46. Table 2 below includes a description of the drain, its values, and its surroundings. Details included in Table 1 are not repeated here.
47. In relation to the values identified in Schedule 1 of the RPW:

*Table 2: Site specific description of the affected environment*

|                                        | Drain M5                                                                                                 |
|----------------------------------------|----------------------------------------------------------------------------------------------------------|
| Network                                | East Taieri                                                                                              |
| Description of affected reach of drain | The width and depth of the drain varies across the affected reach, as shown in Appendix B – Site photos. |

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                      | Flows in September 2025 were estimated at 60 L/minute, with an average water depth of 200-300 mm, with some deeper pools (up to 1500 mm). Summer flows are estimated to be between 0 and 5 L/minute.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Structures within and near affected reach</b>     | Wairongoa Road bridge<br>Ford crossing with two small culverts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Groundwater Protection Zone<sup>4</sup></b>       | Lower Taieri Aquifer, Zone B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Threatened Species habitat<sup>5</sup></b>        | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Catchment<sup>5</sup></b>                         | Taieri River                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Aquifer<sup>5</sup></b>                           | East Lower Taieri Aquifer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Nearby consents</b>                               | There are several bores near the site, with the closest being more than 150 m from the site.<br>Several bore construction permits in the vicinity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>New Zealand Freshwater Fish Database (NZFFDB)</b> | No records.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Schedule 1 of the RPW</b>                         | <p>The drain is not identified in Schedule 1A as having natural or human use values.</p> <p>The drain is not known to provide habitat for the native freshwater fish identified in Schedule 1AA.</p> <p>There are no water supply values as identified in Schedule 1B near the drain.</p> <p>There are no registered historic places as identified in Schedule 1C near the drain.</p> <p>The drain is not identified in Schedule 1D as having values of significance to Kai Tahu, although it is acknowledged that the wider area within which this drain is located has values associated with:</p> <ul style="list-style-type: none"> <li>• Kaitiakitanga</li> <li>• Mauri</li> <li>• Waahi tapu and/or Waiwhakaheke</li> <li>• Waahi taoka</li> <li>• Mahika kai</li> <li>• Kohanga</li> <li>• Trails</li> <li>• Cultural materials</li> <li>• Waipuna</li> </ul> <p>There are no regionally significant wetlands within or near the drain, and no known natural inland wetlands within or within 100 m of the drain.</p> <p>The drain has no or limited natural character, amenity and public access value, given it's highly modified state.</p> |

## Rule assessment

<sup>4</sup> Regional Plan: Water for Otago

<sup>5</sup> Draft Otago Land and Water Regional Plan

48. The Plan rule interpretation in this application is that of Incite and is not in substitution of the Council's own assessment of the proposal, nor is it a restriction on the matters resource consent is being sought for. Resource consent is applied for the proposal described in the "Description of the Proposal" section, including any plans and other information submitted. Resource consent is applied for the rule infringements described in this application, and any other resource consents necessary, whether specifically identified or not, to allow the proposal to be established, maintained and operated.

### **National Environmental Standards**

49. No National Environmental Standards are considered to be relevant to the proposal. In particular, there are no known natural inland wetlands within or within 100 m of the drain, no structures will be placed in the drain, and the drain or the surrounding area is not identified as being contaminated or potentially contaminated.

### **Regional Plan: Water for Otago (RPW)**

50. The RPW is the relevant plan for this activity.
51. Of the potentially relevant permitted activity rules:
- 13.5.1.2 is not relevant, as the works are not associated with removing debris accumulated as a result of a storm event, and will include the removal of alluvium.
  - 13.5.1.1 and 13.5.1.3 are not relevant as the works do not relate to structures or defences against water. While there are structures in the drain that are likely to benefit from the drain maintenance works, the primary purpose of the works is not to safeguard the function or structural integrity of those structures.
  - 13.5.1.4 is not relevant as no bank reinstatement will be occurring.
  - 13.5.1.6 is not relevant as it only covers the extraction of alluvium, and not vegetation.
52. Given none of the permitted activity rules are applicable to the proposed works, they have been classified as discretionary under 13.5.3.1, which provides for the alteration of the bed of any lake or river.
53. In relation to discharges associated with the drain clearance, we understand that since 2010, the consent authority (ORC Regulatory) has changed their interpretation in relation to discharge permits. This means that, where the discharges come from disturbing or redistributing material that is already in the river, a discharge consent is not required as we will not be introducing sediment to the waterway. As this will be the only cause of discharges for the proposed works, consent is not considered to be required for any discharges associated with the works.

### **Summary**

54. The proposal requires resource consent for works in the bed of a river as a discretionary activity.
55. No other consents are considered to be required under the RPW. In addition, no consents are required under the relevant operative and proposed district plan.

### **Assessment of Environmental Effects**

56. Overall, the proposed works are a discretionary activity under the RPW and in accordance with Section 104B of the RMA, Council is unrestricted in its ability to consider any actual and potential effects of the proposed works. The assessment below covers those effects relevant to the proposal, and is guided by the relevant policies in the RPW.

### Effects on the Hydraulic Capacity and Flow Characteristics

57. All instream works have the potential to affect the particular hydraulic properties of the waterway in which they occur, including by reducing flow resistance, increasing flow velocities, and changing flow paths. Changes to the physical or hydraulic properties of waterways have the potential to result in adverse effects on flooding, erosion, scouring and land instability.
58. The primary purpose of the drain maintenance works is to reinstate the hydraulic capacity and physical stability of the drain, as this has been reduced as a result of a build-up of vegetation, sediment and erosion of the banks.
59. All works will be managed to retain the existing profile of the drain. The removal of vegetation and sediment no lower than 1 m above the drain invert will maintain the existing integrity of the drain invert, with no changes to the overall width or depth of the drain.
60. ORC agrees to a standard condition requiring that the works do not cause or exacerbate flooding, erosion, scouring, land instability or property damage.
61. Overall, given the purpose of the proposed works, and the limits around the extent and impact of the works, it is considered that the works will have a positive effect on hydraulic capacity and flow characteristics of the drain.

### Effects on Aquatic Ecosystems

62. The disturbance of waterbodies has the potential to have adverse effects on aquatic ecosystems supported by those waterbodies, and any downstream receiving waters.
63. As described in the Site and Surrounds assessment, there are no recorded fishery values associated with Drain M5. While the lack of the data in the NZFFDB is not conclusive evidence that this drain does not support aquatic species, this in combination with Threatened Species Habitat maps prepared as part of the draft Otago Land and Water Regional Plan and the degree of modification suggests that the aquatic ecosystem values may be limited.
64. Based on the information we have available, it is anticipated that the presence of fish species is likely to be limited. In accordance with the NIWA Fish Spawning and Migration Calendar for species present in Otago:<sup>6</sup>
- The spawning periods for indigenous species vary significantly. However, for galaxiids, the spawning period is typically May to September (inclusive) for large variants, and August to November (inclusive) for non-migratory variants. Based on the timing of consent lodgement, it is likely that works would be occurring in November/December at the earliest, but are more likely to occur in early 2026, outside the spawning window.

<sup>6</sup> Freshwater Fish Spawning and Migration Periods, prepared by NIWA for the Ministry for Primary Industries, November 2014.

- Should salmonids be present in the drain, the typical spawning period for salmonids is generally accepted as being April to September (inclusive). Given works will be occurring outside of this window, works during the salmonid spawning season will be avoided.
65. The fish salvage protocols are described in the Methodology section of this report, with salvage protocol included for all indigenous and introduced species that may be encountered during works.
  66. The proposed works site represents a small portion of the overall drain length, and wider connected drainage network. This will ensure that when works are being undertaken, there will be undisturbed refuge and recovery areas up and down stream of the works site. These refuge habitats may also act as natural sediment traps to limit the downstream loss of sediment from exposed upstream sections.
  67. The removal of vegetation and sediment may provide some benefits for aquatic ecology in these drains, particularly where excess sediment may smother habitat or reduce water clarity and visibility, or where vegetation growth reduces oxygen, or outcompetes native species. The limit around removal in relation to the invert of the drain will limit the disturbance of instream aquatic habitat, while enabling the removal of excess sediment and vegetation.
  68. Works will be undertaken in a manner that limits disturbance, including undertaking works when the drain is dry or has low flows where possible, only using a cleaning bucket or weed bucket, and ensuring vehicles and machinery do not enter the bed.
  69. Works are unlikely to provide a barrier to fish passage, given machinery will be placed outside of the bed, with no damming or diversion of water within the drain proposed. The existing build-up of sediment and vegetation may hinder fish passage, such that the removal of this material may provide a benefit to fish passage.
  70. Based on the limited aquatic values in the drains, and the practices proposed, effects on aquatic ecosystems will be less than minor.

### Effects on River Values

71. The works in the drain could have potential adverse effects on natural character, amenity values, heritage, cultural and public access values.
72. As described in the Site and Surrounds assessment, there are no known or listed natural character, amenity, heritage, public access or cultural values associated with the drain to be cleared. The drain is a highly modified watercourse that forms part of the ORC drainage network, is located in a predominantly rural area, and has previously been subject to maintenance works.
73. Any natural character or amenity values, including recreation or public access, associated with the drain are likely to be improved by the proposed works as a result of the removal of overgrown vegetation. For the existing structures that provide access across the drain, the removal of vegetation and clearance of sediment may improve their function and structural integrity.
74. There are no known heritage or cultural values associated with the drain, although wider cultural values are acknowledged within the catchments this drain is located in. ORC agrees to the

standard Accidental Discovery Protocol condition, should any such discoveries be identified during works.

75. Overall, the effects on river values are considered to be less than minor, with some potential positive effects.

### **Effects on Other Water Users**

76. The works in the drain could have potential adverse effects on other water users, particularly those downstream of the works site.
77. The works may have a temporary adverse effect on water quality associated with the disturbance of sediment. There are no consented water takes immediately downstream of the drain, and no known permitted takes. Any effects on water quality on downstream users associated with the disturbance of sediment are likely to be temporary and less than minor.
78. In relation to water quantity, the proposed works may result in a change in flow dynamics downstream of the works area, as a result of the likely improvements to hydraulic capacity. ORC agrees to a standard condition requiring that works do not cause flooding, erosion, scouring, land instability or property damage, which would also capture any potential effects on instream structures within and immediately up and downstream of the affected reach.
79. Based on the scale and extent of works, the effects on other water users are considered to be less than minor.

### **Cumulative Effects**

80. The effects of the proposed works, in comparison to the wider drainage networks within which the drain exists are likely to be relatively small, and have limited downstream effects. Given the consent is only authorising works in one specified location, and only for the 2025/2026 season, the contribution of this activity to cumulative effects in the wider drainage network is limited, and likely to be smaller in scale than the ongoing maintenance or artificial watercourses able to be carried out as permitted activities across the networks. Based on the discussion, the cumulative effects are considered to be less than minor.

### **Consideration of Alternative Methods**

81. There are limited alternative methods to alleviate the problems associated with sediment build up and bank instability in the subject drain.
82. Based on the scale and extent of the proposed works, it is considered that the proposed methodology is the most appropriate to manage the present issues in these waterbodies.

### **Summary**

83. In summary, it is considered that the actual and potential effects arising from the proposed drain maintenance works will be less than minor.

## **Statutory Assessment**

## Part 2 Matters

84. In accordance with recent caselaw,<sup>7</sup> decision makers are no longer obliged to consider Part 2 of the RMA when considering a resource consent application. This includes Section 5: Purpose, Section 6: Matters of National Importance, Section 7: Other Matters and Section 8: Treaty of Waitangi. While decision makers are not prevented from considering specific sections under Part 2, they are no longer obliged to consider these unless the plan is invalid, has incomplete coverage or is uncertain.
85. The Otago Regional Policy Statements (operative and proposed) and the Regional Plan: Water for Otago are valid planning documents, have complete coverage over the proposed activities and anticipated effects, and are of sufficient certainty to not require an assessment of the activity against Part 2 matters.
86. As a **Discretionary Activity**, a consent authority may grant or refuse a consent and if it grants the application, may impose conditions.

## National Policy Statement for Freshwater Management (NPSFM)

87. The NPSFM provides national level direction on the management of freshwater resources across New Zealand. It includes an objective, 15 policies, and a number of implementation directs which are primarily required to be implemented by the regional council by way of changes to their regional plan(s). Outside inserting some compulsory direction from the NPSFM, ORC has not changed or replaced the RPW to give effect to the NPSFM.
88. Table 3 below sets out the relevant provisions from the NPSFM, and an assessment of the proposed works against those provisions. An assessment against the objective has not been included, as this is specifically precluded under s104(2F) of the RMA.

| NPSFM Provision                                                                                                                                                                    | Assessment                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Policy 1:</b> Freshwater is managed in a way that gives effect to Te Mana o te Wai.                                                                                             | The proposed works will be managed in a way that prioritises the health and well-being of freshwater, while providing benefits to surrounding landowners in relation to flood mitigation. The proposed works may also provide a longer term benefit to freshwater and ecosystem health, through the removal of weeds and sediment. |
| <b>Policy 2:</b> Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for. | Details of the proposal have been provided to Aukaha, and we are awaiting a formal response. Any response will be forwarded to the Consent Authority on receipt.                                                                                                                                                                   |
| <b>Policy 3:</b> Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment                                  | The wider ORC managed drainage networks are managed in an integrated way that considers the catchments                                                                                                                                                                                                                             |

<sup>7</sup> *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316.

|                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| basis, including the effects on receiving environments.                                                                                                                                                                                                                                                                                   | within which they are located, including the receiving environments. The need for the proposed work has been identified with this lens.                                                                                                            |
| <b>Policy 4:</b> Freshwater is managed as part of New Zealand's integrated response to climate change.                                                                                                                                                                                                                                    | The maintenance of the ORC drainage networks is likely to support their resilience, and the resilience of surrounding land owners to the impacts of climate change.                                                                                |
| <b>Policy 5:</b> Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved. | As described in the assessment of effects, the proposed work will support the improvement of the health and well-being of the subject waterbody. The National Objectives Framework as codified in the NPSFM has not yet been implemented in Otago. |
| <b>Policy 6:</b> There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.                                                                                                                                                                                            | There are no known natural inland wetlands within or near the work site.                                                                                                                                                                           |
| <b>Policy 7:</b> The loss of river extent and values is avoided to the extent practicable.                                                                                                                                                                                                                                                | The proposed work will not result in the loss of river extent or value, and may provide some improvements to river values that may have been impeded by the excess sediment and vegetation.                                                        |
| <b>Policy 9:</b> The habitats of indigenous freshwater species are protected.                                                                                                                                                                                                                                                             | There are no records of indigenous freshwater species being present in the waterbody, however works will be managed to limit the damage to any potential habitats.                                                                                 |
| <b>Policy 10:</b> The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.                                                                                                                                                                                                                              | There are no records of salmonids being present in the waterbody. Works will not occur during the spawning season, and will be managed to limit the damage to any potential habitats.                                                              |
| <b>Policy 13:</b> The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.                                                                                                                                   | ORC, in their drain management capacity, monitors the condition of the drainage networks, to ensure they are operating effectively, and take action as needed.                                                                                     |
| <b>Policy 15:</b> Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.                                                                                                                                                                 | The proposed work will provide benefits to surrounding landowners in relation to flood mitigation and the function of instream structures, where this has been impeded by excess vegetation and sediment.                                          |

89. Based on the assessment above, it is considered that the proposal is consistent with the objectives and policies of the NPSFM.

## Otago Regional Policy Statements (RPS)

90. There are currently two Regional Policy Statements that have legal effect in Otago, being:
- Operative Otago Regional Policy Statement 2019 (2019 RPS)
  - Proposed Otago Regional Policy Statement June 2021, appeals version (2021 RPS)
91. Where two documents have legal effect, weighting is applied, with the weight determined taking into consideration:
- The extent to which the proposed plan has been tested through the submissions and hearings process
  - The potential for injustice
  - The extent to which new measures represent a significant policy shift from the operative plan
92. There is some support through caselaw for giving proposed provisions more weight, particularly where the proposed plan introduces a change in the resource management strategy.
93. In this case, the 2021 RPS gives effect to the most recent suite of national direction, including the NPSFM 2020. Given the 2021 RPS has been through the hearings process with decisions released, and gives effect to national direction, more weight has been given to the decisions on the 2021 RPS, although both documents have been assessed below. Where the 2021 RPS provisions are to be treated as operative (as they are not subject to appeal), consideration has not been given to the equivalent 2019 RPS provision.
94. Table 3 below sets out the relevant provisions from the 2021 RPS, and where those provisions are under appeal, the equivalent provisions from the 2019 RPS. Table 3 also includes an assessment of the proposed works against those provisions.

Table 3: RPS Assessment

| Proposed Otago Regional Policy Statement 2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Operative Otago Regional Policy Statement 2019 | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>MW-O1 – Principles of Te Tiriti o Waitangi</i></p> <p><i>MW-P1 – Treaty obligations</i></p> <p><i>MW-P3 – Supporting Kāi Tahu hauora</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | NA                                             | <p>The proposed activity will be managed in a way that supports Kāi Tahu hauora, to minimise effects on water quality and indigenous species and their habitats.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><i>IM-O1 – Long term vision (mō tatou, ā, mō kā uri ā muri ake nei)</i></p> <p><i>IM-O2 – Ki uta ki tai</i></p> <p><i>IM-O3 – Sustainable impact</i></p> <p><i>IM-O4 – Climate change</i></p> <p><i>IM-P3 – Providing for mana whenua cultural values in achieving integrated management</i></p> <p><i>IM-P5 – Managing environmental interconnections</i></p> <p><i>IM-P6 – Managing uncertainties</i></p> <p><i>IM-P8 – Effects of climate change</i></p> <p><i>IM-P13 – Managing cumulative effects</i></p> <p><i>LF-WAI-O1 – Te Mana o te Wai</i></p> <p><i>LF-WAI-P1 – Prioritisation</i></p> <p><i>LF-WAI-P2 – Mana whakahaere</i></p> <p><i>LF-WAI-P3 – Integrated management/ki uta ki tai</i></p> <p><i>LF-WAI-P4 – Giving effect to Te Mana o te Wai</i></p> | NA                                             | <p>The purpose of drain maintenance works are a third priority under Te Mana o te Wai and LF-WAI-P1.</p> <p>The proposed work will be managed in a way that prioritises the health and well-being of freshwater, while providing benefits to surrounding landowners in relation to flood mitigation.</p> <p>The wider ORC managed drainage networks are managed in an integrated way that considers the catchments within which they are located, including the receiving environments. The need for the proposed work has been identified with this lens.</p> <p>The maintenance of the ORC drainage networks is likely to support their resilience, and the resilience of surrounding land owners to the impacts of climate change.</p> |
| <i>LF-FW-O1A – Visions set for each FMU and rohe</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                | The proposal is consistent with the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>LF-VM-O2 – Clutha Mata-au FMU vision</i></p> <p><i>LF-VM-O4 – Taiari FMU vision</i></p>                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                          | <p>region wide vision, which seeks that <i>the form, function and character of water bodies reflects their natural characteristics and natural behaviours to the extent reasonably practicable.</i></p> <p>While the drain is classified as a river, it has been highly modified. Works will be managed to maintain the existing profile of the drain.</p> |
| <p><i>LF-FW-O8 – Fresh water</i></p> <p><i>LF-FW-O10 – Natural character</i></p> <p><i>LF-FW-P6A – Transitions over time</i></p> <p><i>LF-FW-P7 – Fresh water</i></p> <p><i>LF-FW-P13 – Preserving natural character and instream values</i></p> <p><i>LF-FW-P14 – Restoring natural character and instream values</i></p> | <p><i>Policy 3.1.1 – Fresh water</i></p> <p><i>Policy 4.3.4 – Adverse effects of nationally and regionally significant infrastructure</i></p>                                                                                                                                                            | <p>While the drain is classified as a river, it has been highly modified, so is considered to have limited natural character and instream values. Works will be managed to maintain the existing profile of the drain.</p>                                                                                                                                 |
| <p><i>ECO-O1 – Indigenous biodiversity</i></p> <p><i>ECO-P6 – Maintaining indigenous biodiversity</i></p> <p><i>ECO-P8 – Restoration and enhancement</i></p> <p><i>ECO-P11 – Resilience to climate change</i></p>                                                                                                          | <p><i>Objective 3.1 – The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded</i></p> <p><i>3.2 – Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded</i></p> | <p>As described earlier in the report, there are likely to be limited indigenous biodiversity values associated with the drain. However, works will be managed to limit adverse effects on indigenous biodiversity.</p>                                                                                                                                    |
| <p><i>EIT-INF-O4 – Provision of infrastructure</i></p> <p><i>EIT-INF-P10 – Recognising resource requirements</i></p> <p><i>EIT-INF-P12 – Upgrades and development</i></p> <p><i>EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure</i></p>                               | <p><i>Objective 4.3 – Infrastructure is managed and developed in a sustainable way</i></p> <p><i>Policy 4.3.4 – Adverse effects of nationally and regionally significant infrastructure</i></p>                                                                                                          | <p>The definition of regionally significant infrastructure under the RPS 2021 includes ORC's hazard mitigation works including drainage schemes. The proposed work is intended to maintain the function of the existing drainage network, and will be managed to limit the</p>                                                                             |

|                                                                                                                   |                                                                                                                                                                              |                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>and regionally significant infrastructure outside the coastal environment</i>                                  |                                                                                                                                                                              | adverse effects associated with the works.                                                                                                                          |
| <i>HAZ-NH-O1 – Natural hazards<br/>HAZ-NH-P6 – Protecting features and systems that provide hazard mitigation</i> | <i>Objective 4.1 – Risk that natural hazards pose to Otago’s communities are minimised<br/>Policy 4.1.9 – Protecting features and systems that provide hazard mitigation</i> | The maintenance of the ORC drainage network is likely to support their resilience, and the resilience of surrounding land owners to the impacts of natural hazards. |

95. Based on the assessment above, it is considered that the proposal is consistent with the objectives and policies of the 2021 RPS and 2019 RPS.

### Regional Plan: Water for Otago

96. The RPW is the regional plan of relevance to this proposal.
97. Table 4 below sets out the relevant provisions from the RPW, and also includes an assessment of the proposed works against those provisions.

Table 4: RPW Assessment

| RPW Provision                                                                                                                                                                                           | Assessment                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Objective 5.3.1 – To maintain or enhance the natural and human use values, identified in Schedules 1A, 1B and 1C, that are supported by Otago’s lakes and rivers</i>                                 | There are no known natural or human use values associated with the drain to be maintained.                                                                                                                               |
| <i>Objective 5.3.2 – To maintain or enhance the spiritual and cultural beliefs, values and uses of significance to Kai Tahu, identified in Schedule 1D, as these relate to Otago’s lakes and rivers</i> | The proposed activity will be managed in a way that supports Kāi Tahu hauora, to minimise effects on water quality and indigenous species and their habitats.<br>Drain M5 is not specifically identified in Schedule 1D. |
| <i>Objective 5.3.3 – To protect the natural character of Otago’s lakes and rivers and their margins from inappropriate subdivision, use or development</i>                                              | Due to its highly modified state, the drain is considered to have limited natural character, and this will not be eroded by the proposed works.                                                                          |
| <i>Objective 5.3.6 – To provide for the sustainable use and development of Otago’s water bodies, and the beds and margins of Otago’s lakes and rivers</i>                                               | The proposed works are part of ORC’s ongoing commitment to maintaining drainage networks in the Taieri area.                                                                                                             |
| <i>Objective 5.3.8 – To avoid the exacerbation of any natural hazard or the creation of a hazard associated with Otago’s lakes and rivers.</i>                                                          | The proposed works are intended to improve the function of the drain, so are not expected to create or exacerbate natural hazard risks.                                                                                  |
| <i>Policy 5.4.2 – For activities in the beds of rivers, effects for which the priority should be to avoiding, in preference to remedying or mitigating.</i>                                             | The proposed works are not expected to cause any of the effects listed in clause (1), nor cause or exacerbate flooding, erosion, land instability or                                                                     |

|                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                    | property damage. Any sedimentation of the drain will be short term, and limited to the duration of works, with no new material to be discharged to be the bed.                                                                                                                                                                                                                         |
| <i>Policy 5.4.2A – The loss of river extent and values is avoided, unless the council is satisfied:</i><br><i>(a) That there is a functional need for the activity in that location; and</i><br><i>(b) The effects of the activity are managed by applying the effects management hierarchy</i>                                    | As described in relation to Policy 7 of the NPSFM, the proposed works will not result in the loss of river extent or value, and may provide some improvements to river values that may have been impeded by the excess sediment and vegetation.                                                                                                                                        |
| Policy 5.4.3 – For activities in the beds of rivers, prioritise avoiding adverse effects on existing lawful uses and priorities for use                                                                                                                                                                                            | There are no known existing lawful uses of the drain where works will be carried out, outside of its function as a managed drains. There are several existing crossings over the drain, which will not be adversely affected by the proposed works.                                                                                                                                    |
| Policy 5.4.4 – <i>To recognise Kai Tahu’s interests in Otago’s lakes and rivers by promoting opportunities for their involvement in resource consent processing</i>                                                                                                                                                                | An overview of the proposal has been provided to Aukaha for comment.                                                                                                                                                                                                                                                                                                                   |
| Policy 5.4.6 – Restriction of legal public access to and along the margins of rivers                                                                                                                                                                                                                                               | Public access will only be restricted as needed for health and safety reasons during works. The removal of excess vegetation may enhance access.                                                                                                                                                                                                                                       |
| Policy 5.4.8 – Features to have particular regard to when considering adverse effects on their natural character.                                                                                                                                                                                                                  | Due to its highly modified state, the drain is considered to have limited natural character, aesthetic value and recreational opportunities, and these will not be eroded by the proposed works.                                                                                                                                                                                       |
| Policy 5.4.9 – Have particular regard to aesthetic values and recreational opportunities when considering effects on amenity values.                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                        |
| Policy 5.4.10 – <i>In the management of any activity involving surface water or the bed or margin of any lake or river, particular regard will be given to the heritage value of any site, building, place or area</i>                                                                                                             | There are no known heritage values associated with the site. However, ORC agrees to include an accidental discovery protocol as a condition of consent.                                                                                                                                                                                                                                |
| <i>Objective 8.3.1 - To maintain:</i><br><i>(a) The stability and function of existing structures located in, on, under or over the bed or margin of any lake or river;</i><br><i>(b) The stability of the bed and bank of any lake or river; and</i><br><i>(c) The flood and sediment carrying capacity of any lake or river.</i> | There are several structures within and near the works site that may be affected by the proposed works. The works are likely to have a positive effect on these structures, through the removal of excess vegetation and sediment.<br><br>The proposed works will be managed to maintain or improve the stability of the drains, and maintain or improve their flow carrying capacity. |

|                                                                                                                                                                                                  |                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Objective 8.3.2 – To minimise reduction in water clarity caused by bed disturbance.                                                                                                              | Works will be managed to minimise bed disturbance.                                                                                                                                                                           |
| Policy 8.4.1 – Managing changes in the nature of flow and sediment processes                                                                                                                     | The proposed works are intended to improve flow and sediment processes, which have been inhibited by excess sediment and vegetation and unstable banks at the works sites.                                                   |
| Policy 8.6.1 – Adverse effects to have regard to when managing the disturbance of the bed of any river.                                                                                          | The effects set out in policy 8.6.1 have been considered as part of this proposal, and the adverse effects concluded as being less than minor.                                                                               |
| <i>Policy 8.6.2 – To promote best management practices for activities that occur within or adjacent to the bed of lakes and rivers in order to avoid, remedy or mitigate any adverse effect.</i> | The proposed works are intended to be carried out in accordance with best management practices as relevant, although it is noted that there is no Otago specific code of practice or similar document for drain maintenance. |

98. Based on the assessment above, it is considered that the proposal is consistent with the objectives and policies of the RPW.

### **Te Rūnanga o Ngāi Tahu Freshwater Policy Statement (Ngāi Tahu FPS)**

99. The Ngāi Tahu FPS focuses on the management of freshwater resources, and describes:
- Kāi Tahu's association with freshwater resources;
  - The ways in which Kāi tahu, as tangata tiaki, want to participate in freshwater management; and, most importantly
  - The environmental outcomes sought.
100. Key objectives from the Ngāi Tahu FPS that are relevant to this proposal are:
- To afford total protection to waters that are of particular spiritual significance to Kāi Tahu;
  - Restore, maintain and protect the mauri of freshwater resources;
  - To maintain vital, healthy mahinga kai populations and habitats capable of sustaining harvesting activity; and
  - To promote collaborative management initiatives that enable the active participation of Kāi Tahu in freshwater management;
101. We consider the proposal is generally in-keeping with the above policy direction, however engagement with Rūnaka is ongoing.

### **Kai Tahu ki Otago Natural Resource Management Plan 2005 (Kāi Tahu NRMP)**

102. The Kāi Tahu NRMP is the principal planning document for Kāi Tahu ki Otago, and provides:
- Information, direction and a framework to achieve a greater understanding of the natural resource values, concerns and issues of Kai Tahu ki Otago.

- A basis from which Kāi Tahu ki Otago participation in the management of the natural, physical and historic resources of Otago is further developed.
  - The basis, but not substitute, for consultation and outline the consultation expectations of Kāi Tahu ki Otago.
103. Section 5.3.3 contains the Wai Māori General Objectives, the following of which are relevant to the proposal:
- The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management;
  - The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs; and
  - Contaminants being discharged directly or indirectly to water are reduced.
104. Section 5.3.4 contains the Wai Māori Policies, the following of which are relevant to the proposal:
- Policy 1: To require an assessment of instream values for all activities affecting water.
  - Policy 4: To protect and restore the mauri of all water.
  - Policy 31: To require that fish passage is provided for at all times, both upstream and downstream.
  - Policy 32: To oppose all river and instream work if near a nohoaka site during the months of August to April.
  - Policy 33: To require that buffer zones are established and agreed upon with the Papatipu Rūnaka between the flowing water and the site of any river or instream work.
  - Policy 34: To require that any visual impacts at the site of the activity are minimal.
  - Policy 36: To require that any works be undertaken either before or after spawning season of potentially affected species as identified by the affected Papatipu Rūnaka.
  - Policy 37: To require that all practical measures are taken to minimise sedimentation or discharge of sedimentation.
  - Policy 38: To require that all practical measures are undertaken to minimise the risk of contamination to the waterway.
  - Policy 39: To require that work is done when the water level is naturally low or dry.
  - Policy 40: To require that machinery enters the dry bed of the waterway only to the extent necessary, to carry out as much of the work as possible, using one corridor for entering and exiting.
  - Policy 41: To discourage machinery operating in flowing water.
  - Policy 42: To require that all machinery is clean and well maintained before entering the work site; refuelling is to be done away from the waterway.
  - Policy 43: To discourage activities on riverbanks that have the potential to cause or increase bank erosion.
  - Policy 44: To encourage the planting of indigenous vegetation from the local environs to help reduce continual erosion of the edge of rivers.
  - Policy 45: To oppose ad-hoc remediation initiatives where erosion is already occurring. A planned approach based on investigation that recommends initiatives that take account

of and blend into the landscape are preferred rather than, for example, the dumping of rocks to “patch” an eroded area.

- Policy 46: To require before and after photos of the site that show the work carried out.
- Policy 48: To require that any bed disturbance is limited to the extent necessary to remove the vegetation and that all reasonable steps are taken to minimize the release of sediment to water.
- Policy 50: To require that the consent holder will carry out ongoing maintenance by managing re-growth so that future disturbance of the beds and banks is minimised.

105. We consider the proposal is generally in-keeping with the above policy direction, however engagement with Rūnaka is ongoing.

## Notification and Consultation

### Public Notification

106. Section 95A of the RMA sets out the steps to be taken by the consent authority in deciding whether to publicly notify an application.

### Public Notification Assessment

| <b>(Step 1) Mandatory Public Notification in Certain Circumstances</b>                                                                                                                                                                                                                                                                                          |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• The applicant requests public notification; or</li> <li>• Public notification is required under Section 95C;</li> <li>• The application has been made jointly with an application to exchange recreation reserve land.</li> </ul>                                                                                      | None of these matters are triggered by this application. |
| <b>(Step 2) If not required by Step 1, Public Notification precluded in Certain Circumstances</b>                                                                                                                                                                                                                                                               |                                                          |
| <ul style="list-style-type: none"> <li>• A rule or national environment standard precludes public notification of the application;</li> <li>• The activity is a controlled activity;</li> <li>• The activity is a restricted discretionary, discretionary, or non-complying activity (boundary activity only).</li> </ul>                                       | None of these matters are triggered by this application. |
| <b>(Steps 3 and 4) Therefore, public notification is only required if:</b>                                                                                                                                                                                                                                                                                      |                                                          |
| <ul style="list-style-type: none"> <li>• A rule or national environmental standard requires public notification;</li> <li>• The consent authority decides, in accordance with Section 95D, that the activity will have, or is likely to have adverse effects on the environment that are more than minor; or</li> <li>• Special circumstances apply.</li> </ul> | None of these matters are triggered by this application. |

107. The application is for a discretionary activity, and there are no rules requiring or precluding public notification. The activity is not likely to have adverse effects on the environment that are more than minor, therefore, public notification is not required.

## Limited Notification

108. Section 95B relates to limited notification of a consent application, and sets out the steps to be taken by the consent authority when deciding whether to limited notify an application. As detailed in the table below, limited notification is not required because the adverse effects on any person as a result of the proposed activity will be less than minor.

## Limited Notification Assessment

| <b>(Step 1) A consent authority must determine whether there are certain affected groups and affected persons</b>                                                                                                                                                                                                                                                                                                                                                                            |                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Affected protected customary rights groups; or</li> <li>Affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity); or</li> <li>Land subject to a statutory acknowledgement.</li> </ul>                                                                                                                                                                                               | None of these matters are triggered by this application.            |
| <b>(Step 2) If not Required by Step 1, Limited Notification is Precluded in Certain Circumstances</b>                                                                                                                                                                                                                                                                                                                                                                                        |                                                                     |
| <ul style="list-style-type: none"> <li>The activity is subject to a rule or national environmental standard that precludes limited notification; or</li> <li>The application is for a controlled activity under the district plan (except subdivision), or a prescribed activity.</li> </ul>                                                                                                                                                                                                 | None of these matters are triggered by this application.            |
| <b>(Step 3) If Not Precluded by Step 2, Certain Other Affected Persons Must be Notified</b>                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                     |
| <p>In deciding if a person or group is affected:</p> <ul style="list-style-type: none"> <li>A person is affected if the adverse effects of the activity on that person are minor or more than minor (but not less than minor).</li> <li>Adverse effects permitted by a rule in a plan or national environmental standard (the permitted baseline) may be disregarded.</li> <li>The adverse effects on those persons who have provided their written approval must be disregarded.</li> </ul> | None of these matters are triggered by this application.            |
| <b>(Step 4) Further Notification in Special Circumstances</b>                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                     |
| The consent authority must determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification.                                                                                                                                                                                                                                                    | There are no special circumstances in relation to this application. |

109. It is considered that this application can proceed on a non-notified basis, as the adverse effects of the activity are considered to be less than minor and able to be adequately mitigated through conditions of consent.

## Consultation

110. We have notified Fish and Game, the Department of Conservation and Aukaha of the proposed works. Any correspondence will be forwarded on to the Consent Authority.

## Conclusion

111. The applicant seeks resource consent as a discretionary activity under the RPW for consent to undertake works in the bed of a river for the purpose of drain maintenance. The assessment of effects on the environment has demonstrated that the adverse effects on the environment are no more than minor, and no persons will be adversely affected by the proposed drain maintenance works.
112. Accordingly, it is considered appropriate that this application be processed in a non-notified manner in terms of section 95 of the Resource Management Act 1991.

## Appendix A - Location Plan



## Appendix B – Site photos

