



Otago
Regional
Council

To the Hearing Panel 4 March 2024

Hearing of Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams

Compiled by Rebecca Jackson, Team Leader Consents

Response to Minute 1 from the Hearing Panel

On 1 March 2024 Cr Wilson released the following minute:

“Cr Weir & I have discussed the report and have a query about the scope issue raised in some submissions. It has been suggested that Council could clarify what ‘timely manner’ means in its policy.

The Staff report suggests this is out of scope as it would be a change to the regulations.

We would like staff to seek legal advice on whether the matter is in scope or not. If they have that advice already it would be good to see it”.

Legal advice received

As requested, legal advice was sought on 1 March 2024. A copy of this advice is attached as **Appendix 1**. The legal advice confirms that the words “in a timely manner” does not appear in the Regulations but does appear as part of the proposed draft policy. The legal advice notes that the wording is able to be reviewed and changed as part of the hearing process.

The legal advice suggests it would be helpful to submit a brief memorandum clarifying this aspect of the report which I have set out below.

Response to minute and legal submission

As noted above, the wording “in a timely manner” do not appear in the Dam Safety Regulations but does appear as part of the proposed draft policy. In my report I stated that the following quote appears to relate more to the Dam Safety Regulations than the proposed policy:

“This would streamline costs and workloads for farmers making it more practical, and mean that low risk dams that are in all likelihood not dangerous are inspected at a later date, allowing high risk dams to be at the front of the queue.”

With regards to the wording “in a timely manner” I noted why I do not believe timeframes need to be placed on the policy and why I do not recommend changes to the draft wording. This was primarily due to the fact every situation will be case by case and fact dependent therefore timing in one situation may not be practical in another.



Rebecca Jackson

Team Leader Consents

4 March 2024

Appendix 1: Email from Alastair Logan (Ross Dowling Marquet Griffen)