POLICY COMMITTEE
AGENDA

Wednesday 31 July 2019 at 1 p.m.
in the Council Chamber at
Level 2 Philip Laing House, 144 Rattray Street, Dunedin

Membership

Cr Gretchen Robertson	*(Chairperson)*
Cr Michael Laws	*(Deputy Chairperson)*
Cr Graeme Bell	
Cr Doug Brown	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Trevor Kempton	
Cr Ella Lawton	
Cr Sam Neill	
Cr Andrew Noone	
Cr Bryan Scott	
Cr Stephen Woodhead	
Mr Edward Ellison	
Mr Tahu Potiki	

Disclaimer

Please note that there is an embargo on agenda items until 48 hours prior to the meeting. Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.

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1. APOLOGIES
No apologies were received.

2. LEAVE OF ABSENCE
No leaves of absence were requested.

3. ATTENDANCE

4. CONFIRMATION OF AGENDA
Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.

5. CONFLICT OF INTEREST
Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

6. PUBLIC FORUM
No requests to address the Committee from members of the public have been received.

7. PRESENTATIONS
Simon Stokes, Environment Strategy Manager, Beef + Lamb New Zealand, will update the Councillors on strategic environmental work being done by Beef + Lamb NZ.

8. CONFIRMATION OF MINUTES
Recommendation
That the minutes of the meeting held on 12 June 2019 be received and confirmed as a true and accurate record.

Attachments
1. Policy Minutes 20190612 **[8.1.1 - 4 pages]**

9. ACTIONS
Status report on the resolutions of the Policy Committee

Water Meter Telemetry	28/11/2018	Report to Policy Committee to detail the communications strategy to encourage landowners to install telemetry sites to improve real-time collection of water meter data.	IN PROGRESS: This project is now progressing. We have two goals, which are: 1. Send proactive communications to consent holders to remind them to get their data to us by 31 July (this is the first time ORC will have done proactive comms on this). 2. Encourage people to use telemetry to collect their data The timeframe is to get a direct mailout sent in early June to the consent holders.

10. MATTERS FOR COUNCIL DECISION

10.1. Proposed Regulatory Frameworks for Dam Safety 2019

Prepared for:	Policy Committee
Report No.	PPRM1898
Activity:	Regulatory: Policy Development
Author:	Warren Hanley, Senior Resource Planner Liaison
Endorsed by:	Andrew Newman, Acting General Manager Policy, Science and Strategy
Date:	5 July 2019

PURPOSE

[1] To provide background on proposed regulations for the management of dam safety and seek endorsement for ORC's feedback on the proposal.

EXECUTIVE SUMMARY

[2] The Ministry of Business Innovation and Employment (MBIE) has released a discussion paper outlining proposed regulations to address framework gaps with respect to dam safety management. Currently, there are no regulations to give full effect to the framework for dam safety management contained in the Building Act 2004.

[3] Gavin Palmer (General Manager Operations) is a member of the Dam Safety Technical Working Group that has advised MBIE officials on the proposed framework.

[4] The current situation is that most dams are not subject to a nationally consistent dam safety management programme and as a result there are significant risks and liabilities for the Government. Little work is now required on the part of Government to put in place world-class dam safety legislation which will bring New Zealand into line with other OECD countries. The proposed regulations balance compliance costs and public safety risks.

RECOMMENDATION

That the Council:

1) ***Approves*** *the attached draft ORC feedback to MBIE on the Proposed Regulatory Framework for Dam Safety 2019.*

BACKGROUND

[5] Otago Regional Council is responsible for building control for dams and their appurtenant structures in Otago and has delegated responsibility in West Coast and Southland, along with responsibility for additional dam safety management functions. It therefore has an interest in the development of any regulations which may affect and assist the exercise of these functions.

[6] There are approximately 3,285 known dams in New Zealand however the information for many of them is incomplete, including height, volume and construction type. Dams

are controlled by the Building Act 2004, RMA 1991 and the Health and Safety at Work Act 2015. In addition to this, the New Zealand Dam Safety Guidelines 2015 are generally accepted as national best practice guidelines for the construction and operation of a dam.

[7] The Building Act classifies dams as buildings, and controls the construction, alteration, demolition and removal of any dam over specified dimensions.

ISSUE

[8] While the Building Act provides a framework for dam safety management, a long-standing issue is there are no regulations to give full effect to that framework. This has resulted in gaps where there is no comprehensive scheme to monitor and maintain the structural integrity of dams in New Zealand, including the management of potential downstream risk that dams pose to people, property and the environment.

[9] No national database of dams exists for New Zealand, resulting in patchy and inconsistent information being held solely by regional authorities. Information on the size, type, downstream geography, and the potential impacts of a dam failure is critical for designing a nationally consistent scheme for dam safety management.

DISCUSSION

Regulatory Framework Gaps

[10] The discussion paper identifies that the gaps for achieving a full dam safety framework are:

- Downstream risk – the current framework does not specify the safety related activities dam owners should undertake to guide monitoring and maintenance to avoid dam failure. In the absence of this, it appears management of dam failure risk is very inconsistent throughout New Zealand.

- Who does what? – Dam owners lack certainty as to what safety related assurance activities they are required to undertake, as the building code is not supported by a suitable framework to direct this.

- Compliance conditions – Across New Zealand there is inconsistency between regional authorities applying consent conditions (if any) to require dam maintenance. This not only can increase downstream risk but also contribute to dam owners' uncertainty as to what their obligations are. It is also problematic for owners of multiple dams as those dams under their management are subject to inconsistent requirements

[11] The solutions to these gaps are addressed in the proposed regulations by:

- taking a risk-based approach
- regional authorities monitoring and enforcing compliance
- balancing benefits against costs.

Risk based approach

[12] The proposed regulations will require dam owners to take an approach proportionate to the risk their dams pose by targeting 'classifiable dams' based on the potential downstream risk they pose to people, property and the environment. Currently, building consent is only required for a dam, storage pond or canal that has a height of four or more metres and holds 20,000 or more cubic metres volume of water or other fluid. An important change is that dams now less than 4 m in height will be deemed "classifiable" under the proposed regulations if over a certain volume. Currently, dams under that height threshold are not required to obtain building consent, regardless of volume. The proposed regulations will apply to dams regardless of their type, when they were built and whether they have building consent.

[13] The key instrument to assist owners and authorities to understand the risk profile of the dam will be a Potential Impact Classification (PIC) assessment. A PIC assessment is to be provided by the dam owner to assess the potential consequences of failure. The PIC system estimates the likely downstream impacts and that impact is rated as being either Low, Medium or High. Due to the technical nature of undertaking a PIC assessment, dam owners will need most of their information signed off by a 'recognised engineer'. The proposed regulations outline the skills and competencies a 'recognised engineer' must meet.

[14] A dam that is classified as Low PIC will be required to have its classification reviewed by a recognised engineer within every five-year period. For dams classified as Medium to High PIC, in addition to the five-yearly review, the dam owners are also required to develop a Dam Safety Assurance Programme (DSAP) certified by a recognised engineer which must include ongoing monitoring and maintenance protocols. Owners must report compliance with their DSAP annually to the regional authority.

[15] Dam information, including PICs, will be required to be provided to regional authorities so a more complete accounting of New Zealand's dam stock is maintained.

Regional Authorities role

[16] Regional authorities will be required to:

- Establish and maintain a register of dams
- Accept PIC assessments that have been certified by a recognised engineer
- Approve or refuse DSAPs for Medium and High PIC dams
- Develop dam safety policies for dangerous, earthquake-prone and/or flood prone dams

[17] Authorities will be able to fine dam owners for failing to comply with the regulations using enforcement powers under the Building Act. Importantly, the onus for providing the correct information to regional authorities will remain with the dam owner.

Benefits and costs

[18] The proposed regulations have been developed to be mindful of avoiding unnecessary costs. Compliance costs will mainly affect Medium and High PIC dams that do not have adequate DSAP plans already in place. The main costs will be in initial set up costs to

comply with the proposed regulations. It is noted that all responsible dam owners would be expected to already be undertaking the requirements of the dam safety regulation as a minimum as per the NZSOLD guidelines. Possible costs to ORC are discussed below under Financial considerations.

OPTIONS

[19] ORC can choose to provide supportive feedback or not. ORC staff are supportive of the regulations and this is reflected in the feedback. ORC has collaborated with other councils in preparing the submission.

CONSIDERATIONS

Policy Considerations

[20] If the regulations come into force, there will be consequences for ORC's existing dam management processes however it is unclear whether these would need to be formalised through policy adoption.

Financial Considerations

[21] Otago Regional Council can expect an increase in operating costs should these proposed regulations be implemented. These costs are likely to be modest and largely in the form of administration – the receiving, assessing and recording of information, such as PIC assessments. There may be some initial implementation costs ORC considers necessary, such as a review of the current Otago dam information held and whether there are any obvious omissions based on recent information.

[22] To date, ORC has been applying dam safety requirements to dam owners through conditions of their resource consents to dam water. These dam safety conditions are consistent with the proposed regulations. Once the regulations come into effect, the ORC will need to consider which consents are appropriate to review in accordance with Sections 128 and 129 of the RMA to remove any potential duplication. Additional resourcing may be required to undertake this work. Alternatively, some dam owners may seek to change their consents under section 126 of the RMA.

Significance and Engagement

[23] The proposed regulations have attracted media attention in that they will apply to not just dams but also storage facilities such as oxidation ponds. This is the intention of the proposed regulations. Should the regulations come into effect, ORC may need to prepare for engagement with owners of such facilities and assist them to understand their new regulatory obligations.

Legislative Considerations

[24] The proposed regulations, if in effect, will require ORC to determine the appropriate process for their application as part of its function as a building consent authority.

Risk Considerations

[25] ORC staff have recognised the proposed regulations will require and expansion of procedures as discussed above in point 21. No issues of significant risk have been identified.

NEXT STEPS

[26] If Council accepts the recommendation of this report, the feedback must be lodged before the feedback period closes on 6 August.

ATTACHMENTS

1. Dam Safety Letter - Andrew Newman **[10.1.1 - 1 page]**
2. submission-template-proposed-regulations-for-dam-safety ORC DRAFT **[10.1.2 - 7 pages]**

11. MATTERS FOR NOTING

11.1. General Manager's Report on Progress

Prepared for:	Policy Committee
Report No.	PPRM1894
Activity:	Governance Report
Author:	Anita Dawe, Acting Manager Policy
Endorsed by:	Andrew Newman, Acting General Manager Policy, Science & Strategy
Date:	24 May 2019

PURPOSE

[1] This report contributes toward the following Strategic Priorities from the Long-Term Plan 2018 -2028:

- Maintain and enhance the natural environment
- Resilient communities that are engaged and connected to the Otago Regional Council
- Future focused – readiness for change, proactive approach and risk focused

EXECUTIVE SUMMARY

[2] The General Manager's Report focuses on emerging issues which are presented at the front of the report. Some issues raised may be in their infancy, such as Central Government legislative changes that are signalled, and some will be a policy/planning project update that don't yet warrant a separate report.

STAFF RECOMMENDATION

That the Council:

a) Receives this report.

BACKGROUND

Emerging Issues

[3] The Ministry for the Environment (MfE) has a plethora of National Direction[1] work underway, with eight consultations on various instruments planned between now and the end of the year including: [2]

- National Policy Statement (NPS) for Highly Productive Land – late July to September 2019.
- Revised NPS for Freshwater Management and a new National Environmental Standards (NES) for Freshwater Management – August and September 2019;
- Revised NPS on Urban Development Capacity – August and September 2019
- National Policy Statement for Indigenous Biodiversity (discussion document) - October 2019.

[1] National Direction refers to direction provided by central government for implementation by local government under the Resource Management Act (1991).

[2] Note these timeframes were current at 13 June 2019, but may change, depending on Cabinet and other approvals.

[4] Government will also consult on options for water allocation in November and December 2019. This work includes allocation of nutrient discharges and allocation of water for use. Additional areas of consultation include a proposed new National Policy Statement for Urban Development (NPS-UD) to update and supersede the NPS - UDC, changes to the Hazardous Substances and New Organisms Act, consultation on a waste disposal levy, and the Emissions Trading Scheme.

[5] Initial advice outlines proposed new elements in the NPSUD include directing council's planning decisions to:

- Support quality urban environments;
- Recognise the benefits of urban development and the needs of all current and future communities;
- Strengthen long term, strategic (spatial) planning;
- Address barriers to Māori involvement in council processes and reflect Māori values and interests in urban planning decisions;
- Direct more intensive development, particularly around centres and transport networks.

[6] With respect to the NPS – Highly productive land (NPS – HPL), the intention is to provide councils with greater clarity on how highly productive land (including versatile soils) should be considered in RMA decision-making. The NPS-HPL intends to address the gradual reduction in availability of this resource for primary production, as well as to manage fragmentation and reverse sensitivity effects. The NPS - HPL would initially apply to all LUC 1-3 land across New Zealand, however regional councils would be required to undertake a process to identify highly productive land in their region based on a set of criteria.

[7] The proposal would provide direction for council to:

- Recognise and provide for the full range of values and benefits associated with the use of highly productive land for primary production
- Maintain the availability of highly productive land for primary production for future generations.
- Protect highly productive land from inappropriate subdivision, use and development

[8] Across Otago, there are 3,082 hectares of Land Use Capability Class 1 land, 47,229 ha of LUC 2 land and 343,218 ha of LUC 3 land, totalling some 393,529 hectares, or around 12% of the total land area in Otago (3.12 million ha).

[9] While MfE has indicated that they will try to engage on several topics at once with councils (which will be helpful), providing robust responses from ORC on all of these will be somewhat challenging. Currently this work is co-ordinated by one staff member, but with multiple topics, additional policy support will be required from the wider team. Depending on when some of the above is released for consultation, it may be that staff submissions only can be lodged if the time period falls in between the cessation of this council term and the commencement of the next.

[10] The timing issue has been discussed with MfE and reported back to the relevant Minister, but our understanding is that there is little room for flexibility due to Central Government timelines.

[11] Policy Committee workshops will be held as required, to gauge feedback and concerns prior to submitting. More detail on these consultations is provided in the relevant sections below. The June 2019 indicative timetable of MfE's work programme is shown in Attachment 1.

Section 24A Investigation

[12] The s24A investigation has commenced, with Professor Skelton and MfE staff on site in Dunedin and meeting with stakeholders around Otago throughout July. Professor Skelton has traversed a wide range of issues thus far, and his level of knowledge and understanding of regional council processes generally, and freshwater in particular, have been very helpful.

Responses to external policies, plans etc

[13] As outlined above, several topic matters from Central Government are anticipated between now and the end of the year. Several other matters have been specifically responded to, as outlined in Appendix 1.

Dunedin City Council District Plan Review (2GP) Decisions

[14] The first series of mediations on the 2GP have been set down, commencing early August with an introductory session, and then residential zoning, and hazards and earthworks set down for 8th, 14th and 15th. Further dates for rural topics are in late August.

Proposed Regional Policy Statement

[15] At this stage there is no indication of when the decision from the High Court on the Port topic is likely. Hearing dates for the Mining and Biodiversity offsetting topics and the procedural decision are yet to be confirmed.

[16] Mediation on alternative wording for some provisions that may allay the Environment Court's concerns regarding Chapter 3 is set down for 16 July however staff are anticipating that it may be vacated, with all parties appearing to agree with the proposed changes.

Biodiversity

[17] On 28 May 2019, the Council convened a cross-agency biodiversity meeting in Alexandra. This was attended by staff from ORC, the Department of Conservation and the Otago territorial authorities. It was agreed that a cross-agency workshop of iwi and agencies (including Land Information New Zealand) will be held in Dunedin in September 2019. The purpose of the workshop will be to share information on each agency's role and context with the aim of finding specific areas and projects where cooperation and collaboration would be beneficial for biodiversity outcomes in Otago.

Council's biodiversity and biosecurity work programme

[18] As discussed at the June Council meeting the ongoing development of the Councils Biodiversity is a working progress. The regional biodiversity inventory work is due for completion in March 2020. In the mean-time the process of developing a comprehensive business case for this activity will be progressed in the following steps:

- Undertaking a review of currently budgeted funding streams that can be applied to Biodiversity initiatives (they are currently fragmented).
- Obtaining input from Taranaki and Hawkes Bay Regional Council biodiversity staff on how a comprehensive programme might be developed in Otago over time.
- Contracting a biodiversity/biosecurity specialist to help build and write the business case including incorporating the findings from the inventory work into the business case.
- Constructing a business case that identifies, across a range of options, a clear set of target outcomes, objectives, tasks, funding streams and capability and capacity requirements. Further, the business case will identify logical milestones, reporting and review steps. It is intended that this will be progressed to a point whereby the options are considered within the 2020/2021 annual planning cycle.

Engagement on the NPSIB

[19] In October and November this year, MfE will consult on a discussion document on the proposed NPSIB. The proposed NPSIB will recommend identification and protection of Significant Natural Areas[1], as well as a coordinated restoration of land, wetlands and biodiversity-depleted environments. The proposed NPSIB will build on the draft NPS in the Report of the Biodiversity Collaborative Group (2018), with amendments to fill gaps and improve technical accuracy.

[20] The Council will:

- provide written comments on the NPSIB discussion document;
- engage in workshops and regional council special interest groups (SIGs) on NPSIB;

Budget 2019

[21] The recent Budget announcements contain several issues that affect regional councils, including funding for particular work streams.

Sustainable Land Use Package in Budget 2019

[22] Improving how we use our land can have significant benefits for the health of waterways, reducing carbon emissions and increasing primary sector productivity. The $229 million Sustainable Land Use Package in Budget 2019 is intended to provide investment in projects to protect and restore at-risk waterways and wetlands in addition to providing support for farmers and growers to use land more sustainably.

[23] This includes support for improving consistency between councils, better compliance and enforcement, better engagement with Māori, and improving scientific knowledge to inform plan development.

[1] Significant Natural Areas include significant areas of indigenous vegetation and significant habitat of indigenous fauna under Section 6 (Matters of National Importance) of the Resource Management Act (1991).

[24] Part of the Sustainable Land Use Package includes a targeted $12 million set aside to support initiatives in lakes, rivers and wetlands most at risk. The Government has identified it is more cost effective to stop deterioration of catchments than to restore them once they are degraded.

[25] Through the Good Farming Practice Governance Group, primary sector organisations have set their own target for every farmer and grower to have a Farm Environment Plan by 2030. Some industries across the country are a long way down this track, with B + L NZ having their Land Environment Plan 2 (LEP2) model, Dairy NZ's Sustainable Milk Plan (SMP), and many of the fertiliser companies developing similar templates.

[26] The Government is investing $17 million to support the farm planning approach, develop good practice standards, and ensure farm advisors are trained and qualified to support effective environmental planning.

[27] Many other regional councils have already introduced FEP's into the regulatory environment. Arising from this process is a requirement to collate and manage related data which likely needs a regional sector solution.

[28] A core focus of the freshwater work is to get every farmer and grower operating at good practice. The Freshwater Package includes an updated NPSFM and introduces a new Environmental Standard. The Budget includes $12 million to support councils to develop and implement freshwater plans giving effect to the new national direction. In addition, it will fund ongoing policy work on nitrogen allowances and Māori rights and interests in freshwater, with $16 million set aside over 4 years.

[29] The Budget 2019 also includes a $43 million investment into Overseer, indicating that it will continue to be used as a tool going forward. Staff understand that part of the Budget investment in Overseer is to understand how it can be used more effectively in the regulatory context.

[30] In terms of implications for ORC's work, Overseer is already being used in regulation through Plan Change 6A. Better clarity on how it should be used in regulation will be useful moving forward, especially as we work through our staged-implementation programme for Freshwater.

Shifting to high value products with strong environmental credentials

[31] The Budget includes $35 million to improve advisory and 'extension' services, providing on-the-ground support for adapting farming operations, building on services and approaches that are already known to work.

[32] This is needed to disseminate the science and farm practices we know will make a difference. Of the total, $11.9 million is set aside to tailor services for Māori landowners and agribusinesses, recognising the challenges and opportunities for unutilised or underdeveloped Māori land. In addition, $9.8 million is budgeted for investment to improve pathways to market for high value products.

Climate Change

[33] The Budget also included work in the climate change area. Of note, the Government plans to set into law greenhouse gas reduction targets to meet the Paris Agreement goal to hold temperature rise to no more than 1.5 degrees. The Wellbeing Budget provides $107 million to ensure the economic transition required to deliver those emission reductions is effective, efficient and just.

[34] The funding will enable the Climate Change Commission to provide advice, guidance and to monitor New Zealand needs to reduce greenhouse gas emissions as well as funding to implement an Emissions Trading Scheme (ETS) auctioning platform.

[35] Budget 2019 also provides $8.5 million in the Global Research Alliance (GRA) on Agricultural Greenhouse Gases to reduce and mitigate agricultural emissions. Investment in research and development is required so we can develop new ways to reduce greenhouse gas emissions in the land sector.

[36] In addition, an investment of $25 million over 4 years will go into the agricultural Climate Change Research Platform, supporting world-class research in New Zealand to help agriculture deal with the effects of climate change.

Transitioning to a low-carbon future

[37] To tackle the long-term challenge of climate change, the Government will fund research into cutting edge energy production. There is $27 million allocated to set up a National New Energy Development Centre in Taranaki, to help create new business and jobs in the region and move away from fossil fuel reliance.

Additional support for Forestry

[38] The Budget allocated over $49 million to help transform the forestry sector. Combined with existing funding, this equates to an investment of $58 million in Te Uru Rākau (Forestry New Zealand).

[39] Forestry is seen as a key component in several priority areas – enhancing regional development, supporting Māori to realise the potential of their land, improving water quality, reducing carbon emissions and creating jobs.

Tackling the Waste Problem

[40] The Budget provides $4 million over four years to help MfE work to improve recycling and resource recovery and shift New Zealand to a more efficient, zero-waste economy. Areas of focus include tyres, lithium batteries and refrigerants. The funding is also targeted to implement a national resource recovery programme in response to China's waste ban and action on single-use and problem plastics.

Environment Court Hearing Plan Change 5A (Lindis: Integrated Water Management)

[41] The Environment Court has recently issued two Minutes – one to all parties, asking them to consider two things - economic efficiency verses financial viability as discussed in the Court's recent decision, *Bunnings Limited v Queenstown Lakes District Council,* and, the relevance of Part 2 with reference to the *Bunnings* case.

[42] The second Minute asks ORC to address the application of NPSFM Policy B7, and whether the policy should have been inserted into the RPW some time ago. All other parties will also have an opportunity to respond once ORC's response has been filed.

[43] Policy B7 provides direction when processing consents and requires that the policy have effect until changes to regional plans giving effect to Policy B1 (allocation limits) have been made. Counsel for ORC has addressed Policy B7, and noted that it will be specifically addressed, catchment by catchment, as we progress through our implementation programme.

Manuherekia, Arrow and Cardrona (MAC) Catchments

[44] The first meeting of the Manuherekia Reference Group (MRG) was held on Friday 12 July. The MRG was provided with a presentation on the plan change process, and on the approach to consent management for deemed permit transitions. The schedule of meetings and topics to be discussed, and their Terms of Reference were also discussed with some very minor clarification adjustments being made. The second meeting is set down for 8 August 2019. This will be held on Otakou Marae. The agenda will include discussion and presentations on cultural values and perspectives, the history of water use within the Manuherikia and the state of environment. Perspectives from all parties will be sought as to their views on the state of environment.

[45] The Technical Advisory Group (TAG) has had two meetings to date. The next meeting is scheduled for 23 July. The central issue to be dealt with is a review of both the TopNet/CHES and Goldsim Hydrological models for the catchment. This is a critical step in arriving at a point whereby all parties agree on and utilise the same hydrological framework for assessing options and effects.

[46] NIWA is continuing to work on the development of TopNet/CHES, a hydrological model for the Manuherekia catchment, while also updating the hydrology for the Arrow and Cardrona Catchments to include the flow data and water-take data for the most recent irrigation season (1 October 2018 – 1 May 2019). This hydrological information will inform other technical work, including habitat modelling and social and economic impact assessments.

[47] Staff are working to finalise timelines to present scenarios to the Arrow and Cardrona communities which follow on from the initial values confirmation meetings in May. At the time of writing, these meetings are anticipated to be in early September.

[48] The values confirmation meetings in the Manuherekia catchment are also being finalised and are anticipated to be in late September.

[49] The Request for Proposal to assist with the Arrow and Cardrona plan changes has been released, and several consultants have expressed interest. It is anticipated that a contract will be in place in August to support Council staff.

Omnibus Plan Change

[50] The Request for Proposal for the Omnibus Plan Change has been released, and several providers have expressed an interest. It is anticipated that a contract will be in place in early August, so work can commence.

Mediation on the Queenstown Lakes Proposed District Plan

[51] ORC has joined, as a section 274 party, several appeals on the Stage II decisions on the proposed Queenstown Lakes District Plan.

[52] Staff are meeting with staff from Queenstown Lakes District Plan with respect to Stage III which has yet to be notified. Staff understand that Stage III is likely to be predominantly focused on natural hazards, particularly in the Gorge Road area.

Coast

Response to private plan change request: Oamaru Harbour breakwater

[53] In June, Council received a request for a private plan change to recognise, in Schedule 8 of the Regional Plan: Coast, the historic feature of the Oamaru Harbour's breakwater and to clarify public access issues on that structure.

[54] The Plan Change request did not contain all the required information, and so it was not formally accepted.

[55] The structure already has recognition for its historical values in other schedules of the Coast Plan and can be considered for inclusion in Schedule 8 through formal review of the Plan in due course.

[56] With respect to the matter of public access, this is a matter for the Waitaki District Council, as consent holder, and the compliance team. Staff understand that clarity was required around the conditions of the WDC's consent, which has now been provided.

Yellow-Eyed Penguin Trust

[57] In May 2019, the ORC received a quarterly report from the Conservation Science Advisor at the Yellow-eyed Penguin Trust (YEPT). The Science Advisor is funded by ORC and the role is to monitor and deliver optimal species management, undertake research, particularly on marine and terrestrial impacts on hoiho (yellow-eyed penguins), to inform relevant policy and submissions, provide scientific representations in various forms, some public and media relations and key stakeholder interactions.

[58] The report shows some concerning trends for hoiho, including:

- Nest numbers continue to decline;
- Birds failing to find food at sea, resulting in starvation;
- Over 400 birds required intervention;
- Breeding pairs on mainland Aotearoa (Otago and Catlins) declined from last year (down to 225, compared to 255 in 2017/18);
- Breeding success was poor, with less than one chick per nest surviving. Without intervention, it is anticipated there would have been almost total breeding failure;
- Poor nutrition meant that birds were immune-compromised and susceptible to disease.

[59] The report also outlines that work is progressing to develop a strategy determining the cause of this season's starvation and poor breeding result, which are thought to be due to the cumulative impacts of avian malaria, pollution from sediment and competition for fishing resources/food.

RMA Reforms

[60] The Government has signalled, since early 2018, that a two-stage reform to the RMA will be introduced. The first stage has been signalled as focussing on resource consenting, enforcement and Environment Court provisions.

[61] The aim of the first stage of reforms is to make the RMA less complex and increase public participation which likely means that many of the 2017 changes made under the Resource Legislation Amendment Act (RLAA) will be reversed.

[62] The proposed Stage 2 reforms are considerably more wide-ranging, including changes across urban development, climate change and freshwater, and input from the Productivity Commission, LGNZ and the EDS. Two areas of consideration are Climate Change and Urban Tree protection.

[63] The Stage 2 reforms have five key focus areas:

- improving alignment across different pieces of resource management legislation;
- ensuring plans can be created, amended and implemented within a more reasonable timeframe while providing meaningful opportunities for public participation;
- improving the quality of decision making;
- issuing clear national direction; and,
- removing unnecessary complexity, in part by rationalising the multiple decision-making pathways which have proliferated since the RMA was originally passed in 1991.

Appendix 1: Regulatory Responses

1.1 National Plans, Policies, Strategies

The following were received over the period to 5 July 2019:

Agency	Number	Document
Ministry Business, Innovation and Employment	1	Proposed Dam Safety Regulations (discussed in appended report)
Transport and Infrastructure Committee	1	Maritime Transport (Offshore Installations) amendment Bill **Summary**: For installation owners to have adequate insurance in the event of a pollution spill.
Productivity Commission	1	Local Government: Funding and Financing inquiry - draft report
Ministry for Primary Industries	1	Emission Trading Scheme – Summary of Submissions Summary: In 2018 the Government proposed changes to the ETS with the aim of simplifying the way the ETS works for forestry participants, increasing afforestation and enabling more flexibility in the scheme rules to support the right trees being planted in the right place for the right purpose. The submissions relate to technical questions asked by MPI. ORC submitted noting

The following responses were made over the period to 5 July 2019:

Proposal	Response Type	Issues
None		

1.2 Territorial Authority District Plan Changes and Reviews

The following summarises the current situation regarding changes and reviews of District Plans:

District or City	Change or review	Current situation
DCC	2GP: District Plan Review	ORC continues preparing for mediation as a s274 party to a number of appeals including work to resolve appeals where possible with DCC.
CODC	Review pending PC13 (River Terrace)	ORC staff understand the earliest the plan review will commence is 2nd half of 2019. The Hearing for Plan Change 13 at the time of writing is adjourned, awaiting only the closing submission of the applicant. Therefore, a decision can be expected in August 2019.
QLDC	District Plan Review	Stage 1 of 4: Notified: 12 Feb 2016 Stage 1 decisions released 7 May 2018. Stage 2 notified 23 November 2017. Submissions closed 23 February 2018 and decisions were released earlier this month. For stage one, ORC has been involved in mediation on a number of topics it either appealed or because it joined other appeals. For Stage two it is not considered necessary for ORC to appeal the decision. ORC has joined a number of other parties appeals to ensure it can represent its position and concerns, if necessary, when those appeals are heard.
WDC	Review pending	Stage 1: Initial consultation underway Proposed Notification: ORC is still awaiting an update from WDC.
CDC	Notification of Plan Change 41A – variation to Milton Industrial Zone	A hearing date is yet to be announced.

1.3 Territorial Authority and Regional Council Resource Consent Applications

The following were received over the period to 5 July 2019:

Agency	Number	Document
CODC	4	Resource Consent applications
QLDC	4	Resource Consent applications
QLDC – notice of decisions on Special Housing Areas	2	The Minister has approved: Bright Sky Special Housing Area (Wanaka); and Hawea 'Universal Developments' Special Housing Area Both are yet to obtain any necessary resource consents.

No other responses were made, nor proposals received over the period to 5 July 2019.

ATTACHMENTS

Nil

11.2. NZ Drinking Water Report

Prepared for:	Policy Committee
Report No.	PPRM1896
Activity:	Environmental: Water
Author:	Anita Dawe, Acting Policy Manager
Endorsed by:	Andrew Newman, Acting General Manager Policy, Science and Strategy
Date:	5 July 2019

PURPOSE

[1] To summarise the recently released *Annual Report on Drinking Water Quality 2017 – 2018*

EXECUTIVE SUMMARY

[2] Regional councils have a statutory obligation in relation to freshwater, through the Resource Management Act 1991, and specifically, the National Environmental Standard for Sources of Human Drinking Water 2007 Regulations (NES).

[3] There are 55 registered, networked human drinking water supplies across Otago, out of 493 registered networks nationwide. The annual report into drinking water quality outlines compliance with the Health Act 1956, and the Drinking Water Standards for New Zealand 2005(revised 2008).

[4] In the reporting year to 2018, 84.7% of the report population received drinking water that complied with all the legislative requirements under the Act, 97.7% of the report population received drinking water that fully met the bacteriological standards in the Drinking Water Standards, 74.8% met the protozoal standards, and 98.9% met the chemical standards.

RECOMMENDATION

That the Council:

1) ***Receives*** *this report.*

BACKGROUND

[5] In June 2019, the Ministry of Health (MoH) released its annual report on Drinking Water Quality across New Zealand, for the year 2017 – 2018. The report outlines compliance against measures in both the Health Act 1956 (the Act), and the Drinking Water Standards for New Zealand 2005(revised 2008) (the standards).

[6] The report provides useful information given the statutory requirements for managing drinking water and freshwater that fall on regional councils.

[7] Section 30 of the Resource Management Act 1991 (RMA) requires every regional council to control the use of land for the purpose of the maintenance and enhancement of the

quality of water in water bodies and coastal water, and the control of discharges of contaminant into or onto land, [air], or water and discharges of water into water.

[8] The National Environmental Standard for Sources of Human Drinking Water Regulations 2007 (NES) imposes minimum requirements for protecting sources of human drinking water and imposes responsibilities primarily on regional councils. In particular it requires regional councils to:

- Decline water or discharge permits upstream of a drinking water abstraction point that are likely to deteriorate the quality of the supply;
- Ensure that permitted activities in any regional plans will not have detrimental effects on drinking water supplies;
- Place conditions on resource consents which may be subject to accidents such as spills or may as a result of an event (i.e rainfall) have an adverse effect on drinking water supply points, so that the drinking water supplier is notified in any of these instances.

[9] The MoH annual report provides useful information for assisting with decision making and will be a consideration in managing freshwater going forward.

DISCUSSION

[10] There are 493 registered networks across New Zealand, managed by 155 suppliers, and serving populations in excess of 100 people. These supplies provide drinking water to 3,839,000 people.

[11] Drinking Water supplies are grouped, under the Act, into four sizes – large (serving more than 10,000 people), medium (between 5001 and 10,000), minor (501 – 5000) and small (101 – 500).

[12] The annual report sets out criteria for compliance against both the Act, and the standards.

Health Act 1956 Compliance

[13] There are five main criteria for assessing compliance with the Act, being provision of drinking water, source protection, record keeping, complaints responses, and remedial action.

[14] Generally, most New Zealanders obtaining their drinking water from a registered supply are provided with a reliable, maintained and transparent supply.

[15] Fifteen supplies did not meet the criteria for provision of drinking water, comprising 1 large supply. 93% of the population received an adequate supply, with appropriate notification of interruptions.

[16] The source protection requirements were not met by 23 small supplies, collectively serving 4,500 people. This equates to 99.9% of the report population receiving a supply with appropriate source protection.

[17] One medium supply and 5 minor supplies did not meet the requirements for appropriate record keeping. Small supplies are not required by the Act to keep records, but of the 231 small supplies, 205 did.

[18] All large, medium and minor supplies met the complaints requirements. This component requires all complaints to be recorded and investigated. Fifteen small supplies, serving 3500 people, did not meet this standard. Less than 1% of the report population fell into this category, of receiving water from a network where complaints were not investigated and/or reported.

[19] A total of 30 – 16 minor and 14 small – supplies did not take prompt remedial action when an issue was identified. This affected a population of 36,000 people and meant 99.1% of the report population achieved this measure.

Drinking Water Standards Compliance

[20] There are three main components to achieving compliance with the Standards – water quality standards, which specify the Maximum Acceptable Values (MAV's), compliance criteria and reporting requirements, and remedial actions.

[21] To meet the standards, over a 12-month period, a supplier must achieve the quality standards more than 95% of the time, monitor the drinking water in accordance with the compliance criteria; and in the event of a transgression, take remedial actions to protect public health, and to prevent reoccurrence of the transgression.

[22] The water quality standards have two components – a bacteriological indicator (*E. coli)* and protozoal achievement, which monitors how effective a treatment to remove or inactivate *cryptosporidium* would be.

[23] Nine large supplies failed to meet the bacteriological standards during the current reporting period, from various locations.

[24] Across all the supplies, 48,100 samples were taken for *E. coli,* and 137 had detection levels. The level of compliance was a 1.5% increase compared to the previous year.

[25] The level of protozoal compliance dropped 10.3% in large supplies, with all other supplies increasing their level of compliance.

[26] One key point to note with respect to protozoal non-compliance, is that failure to meet the standard does not necessarily mean that protozoa are present, but it means that the community may not be adequately protected by the treatment process should they be detected.

Summary

[27] Overall, the provision of safe and reliable drinking water across Otago is well-managed through the registered networks. The location and status of the networks is shown in Attachment 1.

CONSIDERATIONS

Policy Considerations

[28] The requirement to provide suitable drinking water, under the NES, means that any potential changes to regional plans will need to consider all relevant statutory contexts. There are no particular policy considerations at this stage, however.

Financial Considerations

[29] There are no financial considerations.

Significance and Engagement

[30] This is not relevant in this instance.

Legislative Considerations

[31] The legislative considerations have been set out in the paper.

Risk Considerations

[32] Managing drinking water for human consumption is an important function of regional councils and having a good understanding of the Otago situation enables risks to be identified and assists with future management.

NEXT STEPS

[33] There are no next steps, as this report is for noting only.

ATTACHMENTS

1. Attachment 1 to Drinking Water Standards Report **[11.2.1 - 5 pages]**

12. NOTICES OF MOTION

No Notices of Motion were submitted.

13. CLOSURE

Policy Committee 20190731 Attachments

Minutes of a meeting of the Policy Committee held in the Council Chamber, Level 2 Philip Laing House, 144 Rattray St, Dunedin on Wednesday, 12 June 2019 at 1:00 pm

Membership

Cr Gretchen Robertson	*(Chairperson)*
Cr Michael Laws	*(Deputy Chairperson)*
Cr Graeme Bell	
Cr Doug Brown	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Trevor Kempton	
Cr Ella Lawton	
Cr Sam Neill	
Cr Andrew Noone	
Cr Bryan Scott	
Cr Stephen Woodhead	
Mr Edward Ellison	
Mr Tahu Potiki	

Welcome

Cr Robertson welcome the Councillors, staff and members of the public to the meeting. She also made a special welcome to newly-seated Policy Committee members Edward Ellison and Tahu Potiki.

1. APOLOGIES
There were no apologies.

2. LEAVE OF ABSENCE
No leaves of absence were requested.

3. ATTENDANCE

Sarah Gardner	*(Chief Executive)*
Nick Donnelly	*(General Manager Corporate Services and CFO)*
Gavin Palmer	*(General Manager Operations)*
Sally Giddens	*(General Manager People, Culture and Communications)*
Peter Winders	(*Acting General Manager Regulatory)*
Andrew Newman	*(Acting General Manager Policy, Science and Strategy)*
Liz Spector	*(Committee Secretary)*
Anita Dawe	*(Acting Manager Policy and Planning)*
Joanna Gilroy	*(Manager Consents)*
Tom De Pelsemaeker	*(Senior Policy Analyst)*

4. CONFIRMATION OF AGENDA
The agenda was confirmed as tabled.

5. CONFLICT OF INTEREST
No conflicts of interest were advised.

6. PUBLIC FORUM
No public forum was held.

7. PRESENTATIONS
No presentations were held.

8. CONFIRMATION OF MINUTES
Resolution

That the minutes of the meeting held on 1 May 2019 be received and confirmed as a true and accurate record.

Moved: Cr Hope
Seconded: Cr Kempton
CARRIED

9. ACTIONS
Status report on the resolutions of the Policy Committee

Draft Biodiversity Strategy Feedback	13/06/18	*That a paper on implementation be brought to the Policy Committee in the next 2-3 months*	IN PROGRESS: Strategy out. Reference group meeting to be held before end of year and

			bring the next stage to Policy Committee in 2019. **UPDATE:** Setting up framework for biodiversity. A robust Action Plan discussion will be held with the 31 July Policy Mtg.
Biodiversity Action Plan	17/10/18	***Approve*** *the draft Biodiversity Action Plan in Attachment 2 for consultation with iwi and key stakeholders before a final draft is brought back to this committee for approval on 28 November 2018.*	ON HOLD.
Water Meter Telemetry	28/11/2018	Report to Policy Committee to detail the communications strategy to encourage landowners to install telemetry sites to improve real-time collection of water meter data.	IN PROGRESS: This project is now progressing. We have two goals, which are: 1. To do some proactive communications to consent holders to remind them they need to get their data to us by 31 July (this is the first time ORC will have done proactive comms on this) 2. To encourage people to use telemetry to collect their data The timeframe is to get a direct mailout sent in June to the consent holders. **UPDATE:** an update will be provided to next Policy Comm Mtg 31 July.
New Approach for managing water in the Priority Catchments	20/03/2019	*Establish a TAG and CRG with formalised TORs to provide ongoing technical and strategic advice and input to the ORC to support delivery of the plan*	**COMPLETE**

		change for water management in the Manuherikia catchment and provide a progress report at the next council meeting.	

10. MATTERS FOR NOTING

10.1. General Manager's Report on Progress

General Manager Policy, Science and Strategy Andrew Newman, Manager Policy and Planning Anita Dawe, and Senior Policy Analyst Tom De Pelsemaeker spoke to the General Manager's Report on Progress. The report reviewed the Section 24A Investigation, Central Government freshwater proposals, 2GP decisions, the procedural decision on the proposed Otago Regional Policy Statement, the Council's biodiversity and biosecurity work programme, the Environment Court Hearing Plan Change 5A, an update on catchments, and an overview of the ORC Regulatory response processes. After a lengthy discussion between the committee members and staff, Cr Robertson asked for a motion.

Resolution

That the Council:

1) ***Receives*** *this report.*

Moved: Cr Scott
Seconded: Cr Hope
CARRIED

Cr Deaker left the meeting at 02:32 pm.
Cr Deaker returned to the meeting at 02:36 pm.

11. NOTICES OF MOTION

No Notices of Motion were advised.

12. CLOSURE

Cr Robertson declared the meeting closed at 2:33 pm.

_____ _____

Chairperson Date

6 August 2019

Ministry of Business, Innovation and Employment
PO Box 1473
Wellington 6140

Dear Sir/Madam

Otago Regional Council (ORC) feedback on Proposed Regulatory Framework for Dam Safety 2019 - Consultation Document

Thank you for the invitation to provide feedback on the Government's proposed regulatory framework for Dam Safety. ORC appreciates the opportunity to engage with the Government as an agency responsible for building control for dams and their appurtenant structures in the Otago, West Coast and Southland regions, along with certain dam safety management functions.

The current situation is that most dams are not subject to a nationally consistent dam safety management programme and as a result there are significant risks and liabilities for the Government. Little work is now required on the part of Government to put in place world-class dam safety legislation which will bring New Zealand into line with other OECD countries.

ORC supports the proposed regulations as these will assist with achieving the outcomes sought under the dam safety management framework in the Building Act 2004. Of principle importance to ORC's support is the addition of the 'volume' threshold of 30,000 m^3 for dams with a height less than 4 metres. Such dams can present a significant safety risk and include, for example, stormwater detention dams in densely populated urban areas.

The proposed regulations will ensure that owners of dams with Medium and High Potential Impact Classifications (PIC) prepare and exercise emergency action plans. This is strongly supported and will assist communities with emergency readiness and response.

Responses to the discussion paper questions are set out in the attachment.

Yours sincerely

Andrew Newman
General Manager Strategy, Policy and Science

Submission template

Proposed regulations for dam safety

The Ministry of Business, Innovation and Employment (MBIE) would like your feedback on a proposed regulatory framework for dam safety. Please provide your feedback by 5pm, 6 August 2019.

We appreciate your time and effort taken to respond to this consultation.

We may contact submitters directly if we require clarification of any matters in submissions.

Instructions

To make a submission you will need to:

1. Fill out your name, email address, phone number and organisation.
2. Fill out your responses to the discussion document questions. You can answer any or all of the questions in the discussion paper. Where possible, please provide us with evidence to support your views. Examples can include references to independent research or facts and figures.
3. If your submission has any confidential information:
    i. Please state this in the e-mail accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 that you believe apply. MBIE will take such objections into account and will consult with submitters when responding to requests under the Official Information Act.
    ii. Indicate this on the front of your submission (e.g. the first page header may state "In Confidence"). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).

    Note that submissions are subject to the Official Information Act and may, therefore, be released in part or full. The Privacy Act 1993 also applies.
4. Submit your feedback:
    i. As a Microsoft Word document by email to damsafety@mbie.govt.nz
    ii. By post to:

    Dam Safety Consultation 2019
    Building System Performance
    Ministry of Business, Innovation and Employment
    15 Stout Street PO Box 1473
    Wellington 6140

    iii. If you would prefer, you can fill in the online survey
5. Note: MBIE may contact you directly if we require clarification of any matters in your submission.

Submission on the *Proposed Regulatory Framework for Dam Safety* discussion paper

Your name, Email address, phone number and organisation

Name	
Email address	
Phone number	
Organisation	

☐ The Privacy Act 1993 applies to submissions. Please tick the box if you do not wish your name or other personal information to be included in any information about submissions that MBIE may publish.

☐ MBIE may upload submissions or a summary of submissions received to MBIE's website at ***www.mbie.govt.nz***. If you do not want your submission or a summary of your submission to be placed on our website, please tick the box and type an explanation below.

I do not want my submission placed on MBIE's website because… [Insert text]

Please check if your submission contains confidential information:

☐ I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

Responses to discussion paper questions

Proposed definitions of key dam safety terms

1	Do you think the proposed definitions of key dam safety terms are appropriate?
	Yes, however the definition of Moderate Flood needs clarity on whether it relates to the peak rate of inflow to the reservoir (or outflow) or to the total net flood volume. ORC strongly supports the definition of Classifiable Dam as the evidence prepared by MBIE demonstrates that there is the right balance between risk and cost.
2	If you do not think any of the proposed definitions are appropriate, can you make suggestions on how any of them can be improved?
	Please see answer to Q1.
3	Do you have any comments on how these proposed terms will work in practice?
	Please see answers to Q1 and Q2.

Proposed 'Recognised Engineer' requirements

4	Do you agree with the proposed qualification requirements for a 'Recognised Engineer'?
	Yes
5	Do you agree with the proposed competencies for a 'Recognised Engineer'?
	Yes, but the public need confidence that the scheme is working and has integrity. For that reason the work of Recognised Engineers under the proposed scheme needs to be subject to an audit programme developed and undertaken by Engineering New Zealand. Regional authorities should not be relied upon to undertake audits as the Act and proposed regulations do not allow them to do so. It is not a cost that should be transferred to ratepayers. Given the scheme is a form of self-regulation then the responsibility for auditing lies with Engineering New Zealand.
6	If you do not agree with the proposed qualifications and competencies, please comment on what they should be.
	Please see answer to Q5.
7	What evidence should be attached to the certificate provided by the engineer (for example a CPEng registration number) to show the engineer is a 'Recognised Engineer'?
	Sufficient information to enable quick and reliable cross-checking with the register.

Implementing the proposed dam safety regulations

8	The proposed timeframe for regulations to come into force is 12 months after they are gazetted. Do you think this timeframe is adequate?
	Yes.
9	If you do not think the timeframe is adequate, please tell us how much time you would prefer.
	Please see answer to Q8.

Core elements: step 1 of the dam safety regulations

10	Do you agree with the proposed classification threshold to determine if a dam is a classifiable dam?
	Yes, strongly agree. There is a rational evidence base for the threshold. It properly balances risk and cost. The costs in Table 7 are significantly overstated. Please also see answer to Q31.
11	If you do not agree, what other measure could be used?
	This matter has been thoroughly traversed over the past 15 years. It would of real concern if it is to be re-investigated again by the Government.
12	Do you agree that it is unnecessary to have a separate category for referable dams (considering the proposed classification threshold and regional authorities' powers under section 157 of the Building Act)?

	Yes, for the reasons given in the consultation document. The document presents an accurate summary of the history to do with "referable dams". The "referable dams" concept was not practical as enforceable thresholds could not be defined.

Core elements: step 2 of the dam safety regulations

13	Do you agree with the proposed Potential Impact Classification system in step 2?
	Yes. It is a reliable and cost-effective screening system. It ensures that only the dams that pose significant risk are subject to ongoing management. Please also see answers to Q10 and Q31.
14	If you do not agree with the proposed Potential Impact Classification system, what alternative system, or changes, do you suggest for classifying the potential impact of a dam's failure?
	This matter has been thoroughly traversed over the past 15 years. It would of real concern if it is to be re-investigated again by the Government.

Core elements: steps 3 and 4 of the dam safety regulations

15	Do you agree with the proposed content of a Dam Safety Assurance Programme?
	Yes. It is noted that Emergency Action Planning (EAP) has been integrated into the DSAP process and that it includes exercising and review of the EAP.
16	Do you think there are any elements in the Dam Safety Assurance Programme that are missing or are too onerous?
	There is nothing onerous – it is all good practice. In relation to the EAP (see answer to Q15) there should be a stronger connection to CDEM Groups. In particular, the owner should be required to provide the EAP directly to the Group, including revised EAPs. This is so that the Group is fully aware of the risks in its region and so that it has immediate access to EAPs during potential or actual dam safety incidents. *The footnote to Table 5 states that the definition of appurtenant structure differs from that in the Act but does not give a reason. The difference will cause confusion and seems to be unnecessary.*
17	Do you agree that there is no need for an accreditation regime at present?
	Yes. This is an obsolete legacy issue arising from a time when it was thought that some owners of large portfolios might wish to self-regulate.

Dangerous, earthquake-prone and flood-prone dams

18	Do you agree with the proposed definition of ‘moderate earthquake’?
	Yes
19	Do you agree with the proposed definition of ‘moderate flood’?
	Yes
20	If you do not agree with the proposed definitions of ‘moderate earthquake’ and ‘moderate flood’, what definitions do you consider more appropriate, and why?
	N/A
21	For owners of dams: What impacts (if any) would the proposed definitions of ‘moderate earthquake’ and ‘moderate flood’ have on the management of your dams?
	N/A
22	For regional authorities: What (if any) potential issues do you see in applying the definitions of ‘moderate earthquake’ and ‘moderate flood’? *Please see answer to Q1.*

23	Do you agree with the proposed definition of 'earthquake threshold event'?
	Yes
24	Do you agree with the proposed definition of 'flood threshold event'?
	Yes. We agree with the discussion document (p42) that climate change is implicitly accounted for in the derivation of the flow estimate.
25	If you do not agree with the proposed definitions of 'earthquake threshold event' or 'flood threshold event', what definitions do you consider more appropriate and why?
	Please see answer to Q1.
26	For owners of dams: What impacts would the proposed definitions of 'earthquake threshold event' and 'flood threshold event' have on the management of your dams?
	N/A
27	For regional authorities: What (if any) potential issues do you see in applying the definitions of 'earthquake threshold event' and 'flood threshold event'?
	It is necessary for the DSAP to provide assessment of these events. Regional authorities must receive sufficient information in the DSAPs so as to know whether they should exercise their powers.

Guidance and forms for compliance

28	For regional authorities: What information would you need to ensure the regulations are implemented effectively?
	See answer to Q27. Regional authorities need sufficient information to populate the registers. They also require the owner's assessment of whether the dam is flood prone or earthquake prone – it is not for regional authorities to make that assessment. Costs must be borne by the owner and not transferred to ratepayers.
29	For owners of dams: What information would you need to ensure the regulations are implemented effectively?
	N/A.
30	Do you have any comments on the proposed content of the forms for a Dam Classification Certificate, Dam Safety Assurance Programme or Annual Dam Compliance Certificate?
	The DCC and DSAP must clearly list and describe the appurtenant structures. The ADCC must include details of the exercising of the EAP (Element 6 of Table 5) and verification that this exercising has occurred. This is vital as EAPs are only of use if they are tested and shown to be effective.

Regulatory impacts

31	Can you describe any other costs and benefits not discussed in Table 6?
	The PIC costs are significantly overstated. A PIC is only a course screening exercise. For small low risk dams it will, by nature of the dam, be a simple low-cost exercise. The costs presented in Table 6 for Intermediate and Comprehensive assessments are misleading as they include detailed survey and modelling which are usually unnecessary for determining the PIC.
32	For regional authorities: In your experience what will be the likely cost of administering the proposed dam safety regulations e.g. additional resource requirements?
	There will be additional resource requirements but these will be offset by simpler resource consent processes.
33	For owners of dams: Are you following the NZSOLD dam safety guidelines?
	N/A
34	If you are following the NZSOLD dam safety guidelines, please tell us about any additional costs you may incur from implementing a Dam Safety Assurance Programme?
	There should be no additional costs.
35	If you are not following the NZSOLD dam safety guidelines, please tell us about any additional costs you may incur from implementing a Dam Safety Assurance Programme?
	Such owners should be following the guidelines. If they are not following the guidelines then they are avoiding costs associated with good international practice.

Scheme Name	Population Served	Health Act	Drinking Water Standard	Comment
Camphill Estate Utilities Society[1]	132	Fail	Fail	The water supply uses surface water, without disinfection. Camphill Estate did not take reasonable steps to protect the water from contamination and did not take enough *E. coli* samples and failed other monitoring requirements, and therefore failed to comply with the Health Act (sections 69U and 69Y). Because of this, Camphill Estate failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Cardrona Township	300	Fail	Fail	The water supply uses surface water and is chlorinated and treated by UV. Cardrona Township did not take reasonable steps to protect the water from contamination, did not take enough *E. coli* samples and failed other monitoring requirements and failed to investigate complaints. It therefore failed to comply with the Health Act (sections 69U, 69Y and 69ZE). Because of this, Cardrona Township failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Alexandra - CODC	5000	Complied	Fail	The water supply uses groundwater and is chlorinated. Alexandra met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Clyde - CODC	1000	Complied	Fail	The water supply uses groundwater and is chlorinated. Clyde met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Cromwell - CODC	4400	Complied	Fail	The water supply uses groundwater and is chlorinated. Cromwell met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Naseby- CODC	150	Complied	Fail	The water supply uses surface water and is chlorinated. Naseby met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Omakau/Ophir- CODC	400	Complied	Fail	The water supply uses surface water and is chlorinated. A temporary boil-water notice was issued during the period. Omakau/Ophir met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Patearoa- CODC	260	Complied	Fail	The water supply uses surface water and is chlorinated. A temporary boil-water notice was issued during the period. Patearoa met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Pisa Village- CODC	250	Complied	Fail	The water supply uses groundwater and is chlorinated. Pisa Village met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Ranfurly- CODC	750	Complied	Fail	The water supply uses surface water and is chlorinated. Ranfurly met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Roxburgh – CODC	790	Complied	Fail	The water supply uses groundwater and is chlorinated and treated by UV. A temporary boil-water notice was issued during the period. Roxburgh met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Closeburn Water Company	150	Fail	Fail	The water supply uses surface water, without disinfection. Closeburn failed to provide adequate safe drinking water, did not take reasonable steps to protect the water from contamination, did not take any *E. coli* samples and failed to investigate complaints. It therefore failed to comply with the Health Act (sections 69S, 69U, 69Y and 69ZE). Because of this, Closeburn failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Balclutha - CDC	3918	Complied	Fail	The water supply uses surface water and is chlorinated and fluoridated and treated by UV. Balclutha met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Clydevale – Pomahaka Rural - CDC	778	Complied	Fail	The water supply uses groundwater and is chlorinated. Clydevale-Pomahaka Rural met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.

[1] Information obtained from Appendix 1 to the Ministry of Health Annual Report into Drinking Water Supplies; June 2019

Glenkenich Rural - CDC	705	Fail	Fail	The water supply uses surface water and is chlorinated. A temporary boil-water notice was issued during the period. Glenkenich Rural did not take enough *E. coli* samples and did not take appropriate action to protect public health after an issue was discovered, therefore failed to comply with the Health Act (sections 69Y and 69ZF). Glenkenich Rural also had some disinfection by-products that exceeded maximum acceptable values, and therefore failed to meet the chemical Standards for the whole supply. Glenkenich Rural met the bacterial Standards but failed the protozoal Standards for the whole supply.
Kaitangata - CDC	812	Fail	Fail	The water supply uses surface water and is chlorinated and fluoridated. Kaitangata did not have a water safety plan, and therefore failed to comply with the Health Act (section 69Z). Kaitangata met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Lawrence - CDC	417	Complied	Fail	The water supply uses surface water and is chlorinated and treated by UV. Lawrence met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Milton – CDC	2529	Fail	Fail	The water supply uses surface water and is chlorinated and fluoridated. Milton did not take enough *E. coli* samples and did not take appropriate action to protect public health after an issue was discovered, and therefore failed to comply with the Health Act (sections 69Y and 69ZF). Milton also had one disinfection by-product that exceeded maximum acceptable values, and therefore failed to meet the chemical Standards for 1,929 people. Milton met the bacterial Standards but failed the protozoal Standards for the whole supply.
Moa Flat - CDC	534	Complied	Fail	The water supply uses surface water and is chlorinated. Moa Flat met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
North Bruce Rural – CDC	928	Fail	Fail	The water supply uses surface water and is chlorinated. North Bruce Rural did not take enough *E. coli* samples and did not take appropriate action to protect public health after an issue was discovered, and therefore failed to comply with the Health Act (sections 69Y and 69ZF). North Bruce Rural also had some disinfection by-products that exceeded maximum acceptable values, and therefore failed to meet the chemical Standards for 658 people. North Bruce Rural met the bacterial Standards but failed the protozoal Standards for the whole supply.
Owaka – CDC	303	Complied	Fail	The water supply uses groundwater and is chlorinated. Owaka met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Richardson Rural – CDC	1003	Fail	Fail	The water supply uses surface water and is chlorinated. A temporary boil-water notice was issued during the period. Richardson Rural did not take appropriate action to protect public health after an issue was discovered, and therefore failed to comply with the Health Act (section 69ZF). Because of this, Richardson Rural failed the bacterial Standards for 312 people; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Stirling – CDC	737	Complied	Fail	The water supply uses surface water and is chlorinated. Stirling met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Tapanui – CDC	726	Complied	Fail	The water supply uses surface water and is chlorinated and fluoridated. Tapanui met the bacterial Standards but failed the protozoal Standards for the whole supply. Tapanui had fluoride that exceeded maximum acceptable values, and therefore failed to meet the chemical Standards for the whole supply.
Tuapeka West - CDC	283	Fail	Fail	The water supply uses surface water and is chlorinated. Tuapeka West did not take enough *E. coli* samples at frequent enough intervals and did not take appropriate action to protect public health after an issue was discovered, and therefore failed to comply with the Health Act (sections 69Y and 69ZF). Because of this, and the presence of *E. coli* that exceeded maximum acceptable values, Tuapeka West failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Waitahuna Rural – CDC	922	Fail	Fail	The water supply uses surface water and is chlorinated.

				Waitahuna Rural did not take enough *E. coli* samples at frequent enough intervals and did not take appropriate action to protect public health after an issue was discovered, and therefore failed to comply with the Health Act (sections 69Y and 69ZF). Because of this, and the presence of *E. coli* that exceeded maximum acceptable values, Waitahuna Rural failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Dunedin City – DCC	112,515	Complied	Fail	The water supply uses surface water and is chlorinated and fluoridated. Dunedin City had *E. coli* that exceeded maximum acceptable values, and therefore failed the bacterial Standards for 300 people. Dunedin City met the protozoal and chemical Standards.
Outram – DCC	750	Complied	Met Standards	The water supply uses groundwater and is chlorinated and treated by UV.
Waikouaiti – DCC	1642	Complied	Met Standards	The water supply uses surface water and is chlorinated.
West Taieri – DCC	450	Complied	Met Standards	The water supply uses surface water and is chlorinated.
Earnscleugh Domestic Water Company Ltd	120	Fail	Fail	The water supply uses groundwater, without disinfection. Earnscleugh Water Scheme did not take enough *E. coli* samples and failed other monitoring requirements, and therefore failed to comply with the Health Act (section 69Y). Because of this, Earnscleugh Water Scheme failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Last Chance Community Scheme	120	Complied	Met Standards	The water supply uses secure groundwater, without disinfection.
Long Gully Rural Water Scheme	172	Fail	Fail	The water supply uses groundwater, without disinfection. Alexandra, Long Gully did not take any *E. coli* samples, and therefore failed to comply with the Health Act (section 69Y). Because of this, Alexandra, Long Gully failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Maheno Water Committee	152	Complied	Met Standards	The water supply uses groundwater and is chlorinated and treated by UV. A temporary boil-water notice was issued during the period. *E. coli* was detected in 1 of 4 monitoring samples (this is allowable).
Millers Flat Water Company Limited	180	Complied	Met Standards	The water supply uses groundwater and is treated by UV.
Pisa Moorings Utilities Society	130	Fail	Fail	The water supply uses groundwater, without disinfection. Pisa Moorings did not take enough *E. coli* samples at frequent enough intervals, and therefore failed to comply with the Health Act (section 69Y). Because of this, Pisa Moorings failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Awamoko – WDC	399	Fail	Fail	The water supply uses surface water and is chlorinated. Awamoko failed its monitoring requirements and did not take appropriate action to protect public health after an issue was discovered, and therefore failed to comply with the Health Act (sections 69Y and 69ZF). Because of this, Awamoko failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Hampden/Moeraki – WDC	501	Fail	Fail	The water supply uses surface water and is chlorinated. A temporary boil-water notice was issued during the period. Hampden/Moeraki failed its monitoring requirements, and therefore failed to comply with the Health Act (section 69Y). Because of this, Hampden/Moeraki failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Herbert – WDC	670	Fail	Fail	The water supply uses surface water and is chlorinated. A temporary boil-water notice was issued during the period. Herbert failed its monitoring requirements, and therefore failed to comply with the Health Act (section 69Y). Because of this, and the presence of *E. coli* that exceeded maximum acceptable values, Herbert failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Kauru Hill -WDC	197	Fail	Fail	The water supply uses surface water and is chlorinated. Kauru Hill failed its monitoring requirements, and therefore failed to comply with the Health Act (section 69Y). Because of this, Kauru Hill failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.

Lower Waitaki, Rural - WDC	778	Fail	Fail	The water supply uses groundwater and is chlorinated and treated by UV. A temporary boil-water notice was issued during the period. Lower Waitaki, Rural did not take enough *E. coli* samples at frequent enough intervals, and therefore failed to comply with the Health Act (section 69Y). Because of this, Lower Waitaki, Rural failed the bacterial Standards; it also failed the protozoal Standards for the whole supply. Lower Waitaki, Rural did not monitor nitrate, and therefore failed the chemical Standards for the whole supply.
Oamaru - WDC	14390	Fail	Fail	The water supply uses surface water and is chlorinated and treated with ozone. Oamaru did not take enough *E. coli* samples at frequent enough intervals, and therefore failed to comply with the Health Act (section 69Y). Because of this, Oamaru failed the bacterial Standards for the whole supply. Oamaru met the protozoal and chemical Standards.
Tokarahi/Livingstone – WDC	573	Fail	Fail	The water supply uses surface water and is chlorinated. Tokarahi/Livingstone did not have a water safety plan and did not take enough *E. coli* samples and failed other monitoring requirements, and therefore failed to comply with the Health Act (sections 69Z and 69Y). Because of this, Tokarahi/Livingstone failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Waihemo – WDC	1357	Fail	Fail	The water supply uses groundwater and is chlorinated and treated by UV. A temporary boil-water notice was issued during the period. Waihemo did not take enough *E. coli* samples at frequent enough intervals, and therefore failed to comply with the Health Act (section 69Y). Because of this, Waihemo failed the bacterial Standards for 1,128 people. Waihemo met the protozoal and chemical Standards.
Windsor - WDC	137	Fail	Fail	The water supply uses surface water and is chlorinated. Windsor did not take enough *E. coli* samples and failed other monitoring requirement and did not take appropriate action to protect public health after an issue was discovered, and therefore failed to comply with the Health Act (sections 69Y and 69ZF). Because of this, and the presence of *E. coli* that exceeded maximum acceptable values, Windsor failed the bacterial Standards; it also failed the protozoal Standards but met the chemical Standards for the whole supply.
Arrowtown – QLDC	4366	Complied	Fail	The water supply uses groundwater and is chlorinated and treated by UV. Arrowtown met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Arthurs Point – QLDC	1631	Complied	Fail	The water supply uses groundwater and is chlorinated and treated by UV. Arthurs Point met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Glenorchy – WLDC	1232	Complied	Fail	The water supply uses groundwater, without disinfection. A temporary boil-water notice was issued during the period. *E. coli* was detected in 1 of 215 monitoring samples (this is allowable). Glenorchy met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Hawea – QLDC	3767	Complied	Fail	The water supply uses surface water and is chlorinated and treated by UV. Hawea met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Lake Hayes – QLDC	3743	Complied	Fail	The water supply uses groundwater and is chlorinated and treated by UV. A temporary boil-water notice was issued during the period. Lake Hayes had *E. Coli* that exceeded maximum acceptable values, and therefore failed the bacterial Standards for 1,697 people. Lake Hayes met the protozoal and chemical Standards.
Luggate – QLDC	855	Complied	Fail	The water supply uses groundwater, without disinfection. Luggate met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Queenstown – QLDC	25271	Complied	Fail	The water supply uses surface water. It is chlorinated and parts of the supply are treated by UV. Queenstown met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Wanaka – QLDC	13633	Complied	Fail	The water supply uses surface water and is chlorinated.

				Wanaka met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Wanaka Airport – QLDC	150	Complied	Fail	The water supply uses groundwater and is chlorinated. Wanaka Airport met the bacterial and chemical Standards but failed the protozoal Standards for the whole supply.
Jacks Point	669	Complied	Met Standards	The water supply uses surface water and is chlorinated and treated by UV.