



Our Ref A610586

Committee meetings Wednesday 15 October 2014

Following are the agendas for the Committee meetings to be held on Wednesday 15 October commencing at 10.30 am. The venue is the Council Chamber, 70 Stafford Street, Dunedin, and members of the public are welcome to attend. Full detailed reports referred to in the committee reports are available on the Council website, or by contacting the Committee Secretary – see contact details below.

Committee agendas - Index

	Page Nos.
Finance and Corporate Committee	2 - 31
Communications Committee.....	32 - 44
Policy Committee.....	45 - 85
Regulatory Committee.....	86 - 104
Technical Committee	105 - 118

A handwritten signature in black ink that reads "Janet Favel".

Janet Favel
Committee Secretary

Phone: 03 470 7474 (DDI)
Freephone: 0800 474 082
Email: janet.favel@orc.govt.nz

OTAGO REGIONAL COUNCIL

**Agenda for a meeting of the Finance and Corporate Committee
to be held in the Council Chamber, 70 Stafford Street,
Dunedin on Wednesday 15 October 2014 commencing at 10.30 am**

Membership:

- Cr David Shepherd** (Chairperson)
- Cr Gary Kelliher** (Deputy Chairperson)
- Cr Graeme Bell**
- Cr Doug Brown**
- Cr Louise Croot MNZM**
- Cr Michael Deaker**
- Cr Gerrard Eckhoff**
- Cr Trevor Kempton**
- Cr Sam Neill**
- Cr Gretchen Robertson**
- Cr Bryan Scott**
- Cr Stephen Woodhead**

Apologies: **Cr Doug Brown**

Leave of absence:

In attendance:

Please note that there is an embargo on agenda items until 8.30 am on Monday 13 October.

CONFIRMATION OF AGENDA**PUBLIC FORUM****MINUTES**

The minutes of the public portion of the meeting held on 4 September 2014, having been circulated, for adoption

Matters arising from minutes

PART A – PRESENTATION**Item 1 Port Otago Ltd – Annual Report 2014.**

Port Otago's Annual Report is circulated separately with the agenda.

PART B - RECOMMENDATIONS**Item 2****2014/1488 Water Management Assistance. DCS, 29/9/14**

Noting that changes to the purpose statement of the Local Government Act have affected Council's previously agreed irrigation development assistance policy, and suggesting principles for a revised policy in line with the changes.

Item 3**2014/1455 Draft Significance and Engagement Policy. DCS, 23/9/14**

The report presents for consideration and approval a draft Significance and Engagement Policy as required by the Local Government Act 2002 Amendment Act 2014.

Item 4**2014/1566 Audit and Risk Subcommittee. DCS, 7/10/14**

Reporting to Council on the inaugural meeting of the Audit and Risk Subcommittee.

Item 5**2014/1588 Kakanui River Water Allocation Subcommittee. DCS, 8/10/14**

The report explains that the terms of reference of the Kakanui River Water Allocation Subcommittee require that the Subcommittee's membership be approved by Council.

Item 6**2014/1472 Schedule of Meetings to December 2015. DCS, 25/9/14**

The report presents for consideration a proposed schedule of Ordinary Council and Committee meetings for the period to December 2015.

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Finance and Corporate Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Thursday 4 September 2014 commencing at 9.21 am

Present:

Cr David Shepherd (Chairperson)
Cr Gary Kelliher (Deputy Chairperson)
Cr Doug Brown
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Trevor Kempton
Cr Sam Neill
Cr Gretchen Robertson
Cr Bryan Scott
Cr Stephen Woodhead

Apologies:

Cr Graeme Bell
Cr Michael Deaker (for early departure)
 The apologies were accepted on the motion of Crs Shepherd and Kempton.

In attendance:

Peter Bodeker
Wayne Scott
Jeff Donaldson
Jane Leahy
Fraser McRae
Gavin Palmer
Sharon de Vries
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the public portion of the meeting held on 24 July 2014, having been circulated, were adopted on the motion of Crs Croot and Kelliher.

Matters arising from minutes

There were no matters arising from the minutes.

PART A - RECOMMENDATIONS

Item 1

2014/1243 **Electoral Systems.** DCS, 20/8/14

The report noted that at its meeting on 24 July 2014, the Finance and Corporate Committee considered voting systems, and resolved to invite Associate Professor Janine Hayward to attend a Council workshop to provide information on voting systems. That workshop had taken place, and the Committee was now asked to give consideration as to its preferred electoral system for the 2016 and 2019 elections.

Cr Deaker supported a change to Single Transferable Vote (STV). He particularly noted the points made by Prof Hayward in her presentation that STV tended to increase voting participation or at least stop it dropping further, and that the public generally saw the STV system as fairer than First Past the Post (FPP). He also considered there would be less confusion for Dunedin City voters if DCC, ORC, and SDHB had the same election systems. Crs Scott and Croot supported these points, but noted that a change to STV would put ORC out of step with the districts' elections, which were all on the FPP system.

Cr Deaker left the meeting at 9.34 am.

Cr Woodhead supported a change to STV. He commented that major issues were the visibility of the ORC list, and the different styles of voting, on the same voting paper.

Cr Neill considered that the presentation the previous day was inconclusive, and noted that prior to 2013 the Council had resolved to continue with FPP for the 2013 and 2016 elections. He did not see enough evidence to change.

Cr Scott moved

Cr Robertson seconded

That Otago Regional Council change to the Single Transferable Voting system for the 2016 election.

The vote was taken by division:

For: Crs Croot, Kempton, Robertson, Scott, Woodhead

Against: Crs Brown, Eckhoff, Kelliher, Neill, Shepherd

Voting was equal, and therefore the status quo was retained

Cr Croot moved

Cr Shepherd seconded

That the report be received.

Motion carried

Item 2

2014/1211 **Annual Return of Inactive Subsidiaries 2014.** DCS, 15/8/14

The report noted that for name protection purposes, three companies bearing the Regional Services name were registered in April 2006. The Companies Act required that an Annual Return be completed for each of the companies, which were inactive and did not have constitutions.

Cr Woodhead moved

Cr Neill seconded

1. *That it shall not be necessary for Regional Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.*
2. *That no auditors be appointed for Regional Services Limited under section 196 (2) of the Companies Act 1993.*
3. *That it shall not be necessary for Regional Pest Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.*
4. *That no auditors be appointed for Regional Pest Services Limited under section 196 (2) of the Companies Act 1993.*
5. *That it shall not be necessary for Regional Monitoring Services Limited to hold an Annual General Meeting under section 120 of the Companies Act 1993.*
6. *That no auditors be appointed for Regional Monitoring Services Limited under section 196 (2) of the Companies Act 1993.*

Motion carried

PART B – ITEMS FOR NOTING

Item 3

2014/1224 **12 month review.** DCS, 18/7/14

The report noted that formal reviews of progress on all projects were undertaken at four, eight and 12 months, and summarised project progress for the 12 months to 30 June 2014. The 12 month review document was circulated separately with the agenda.

Mr Scott noted that the report indicated that the annual report would be presented to the 17 September Council meeting, however this date was now not achievable because the final accounts of Port Otago Ltd would not be ready in time. It was likely that the report would be presented to a special Council meeting on 15 October.

Cr Croot moved
Cr Woodhead seconded

That the report be received.

Motion carried

Item 4

2014/1236 **Local Government Act 2002 Amendment Act 2014.** DCS, 20/8/14

The report explained that the purpose of the Local Government Act 2002 Amendment Act 2014 was to implement the Government's second phase of legislative reform to improve the operation, efficiency and effectiveness of local government. The report presented the key provisions of the Amendment Act.

It was noted that the Amendment Act simplified the annual and long term plan process, and a brief procedural document could be produced where there was no change from the annual plan to the long term plan.

Comment was made that ORC communicated well with the community, for example Plan Change 6A, Milton 2060, and hazards and contaminated sites databases.

Mr Scott also noted that S15 (Triennial agreements) had been strengthened.

Cr Shepherd moved
Cr Croot seconded

That the report be noted.

Motion carried

Item 5

2014/1287 **Executive Report on Progress.** DCS, 25/8/14

The report described significant activities carried out by the Finance and Corporate sections since the last meeting of the Committee.

Summary account payment categories

Payment Categories	July 2014
Trade and general payments	3,790,131.13
Payroll	613,273.91
Investments	2,000,000.00
Total	\$6,403,405.04

Cr Croot moved
Cr Scott seconded

- (1) *That the report be received.*
- (2) *That the payments and investments summarised in the table above and detailed in the tabled schedule, totalling \$6,403,405.04 be endorsed.*

Motion carried

PART D - EXCLUSION OF PUBLIC

Cr Shepherd moved
Cr Woodhead seconded

That the public be excluded from the following part of the proceedings of the meeting.

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1)(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution are as follows:

	<i>General subjects to be considered</i>	<i>Reason under LGOIMA for passing this resolution</i>	<i>Grounds under S.48 for the passing of this resolution</i>
<i>Item 6</i>	<i>Minutes of the in committee portion of the Finance and Corporate Committee meeting held on 24 July 2014</i>	<i>To protect information which is subject to an obligation of confidence (S7(2)(c))</i>	<i>S.48(1)(a)(i)</i>

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.

Motion carried

Following discussion of Item 6,

Cr Shepherd moved
Cr Scott seconded

That the meeting resume in open session.

Motion carried

The meeting closed at 10.13 am.

Chairperson

REPORT

Document Id: A677273

Report Number: 2014/1488

Prepared For: Finance and Corporate

Prepared By: Director Corporate Services

Date: 29 September 2014

Subject: **Water Management Assistance**

1. Précis

In 2012 the Council adopted a policy relating to assistance for irrigation development through a grants regime. An amendment to the purpose statement of the Local Government Act fundamentally affected that policy, and discussion and recommendation as to an alternative strategy, taking account of the Council's current Regional Plan: Water is included in this report.

2. Background

In the 2012/22 Long Term Plan the Council adopted a policy in relation to the ability to consider grants to irrigation companies where new infrastructure would assist the objectives of the Regional Plan: Water.

The policy was as follows:

Grants of up to \$2 million per scheme may be payable where there is clear environmental benefit.

Assessment criteria for considering applications for this type of grant are to be:

- A. *Every grant must be demonstrably enabling implementation for the Regional Plan: Water in ways that will deliver wider community benefits in water management that:

 - a. *are additional to any resource consent requirements of the scheme, and*
 - b. *can be protected or assured for wider community benefit in the longer term, and*
 - c. *will support catchment management improvements within an existing or proposed minimum flow controlled zone, and*
 - d. *will support legal protection of improved low flow or residual flow regimes.**

- B. *Every grant will be for acquiring or creating asset(s) integral with development of the irrigation scheme and its management. The asset(s) will be owned, maintained, depreciated and managed by the scheme governance body.*

- C. *Only one grant may be made to any irrigation scheme, but the scheduling of the grant payment may be made in instalments following construction or development progress.*

- D. *Every irrigation scheme receiving a grant must have an enduring governance structure and business plan acceptable to the Council.*

The policy was targeted at the creation of irrigation assets which would deliver assured wider community benefits in the implementation of the Regional Plan: Water. In particular, potential application to the Tarras Water Limited was an example.

The Local Government Amendment Act 2012 amended the purpose of local government to focus local government activities on core services. The amendments make the adopted policy difficult to reconcile with the Act.

A legal opinion was sought which confirmed that the intended use of funding was ultra-vires.

2.1 Reserve

In moving towards application of the policy when it was lawful, Council established a reserve with an initial amount of \$1 million, and a subsequent contribution of \$200,000. With accumulated interest, at 30 June 2014, the reserve stood at \$1,463,000.

The reserve has now been re-titled the '*Water Management Reserve*'.

2.2 Looking Forward

The Council's current aspirations and work programme focus on water management, both quality (6A) and quantity (1C). With the previous policy known as 'irrigation grants' being not able to be realised, or even desirable any more, a review of the possible incentives to assist the Council meet its objectives and community aspirations in water management is appropriate.

It is noted that the Council also has complimentary policies designed to assist community activity. Subsequent considerations for funding from this project can be amalgamated with the utilisation of the Water Management Reserve in accordance with the adopted principles.

An annual allocation is set aside for assistance to community groups at the discretion of the Chief Executive. This has been instrumental in, for example, assisting the development of the Manuherikia irrigation proposal, and in fact, Tarras Water which did not eventuate.

Significant technical and staff input assistance is also provided to groups taking initiatives which assist the Council's objectives.

It is appropriate that the Council continue such assistance, and given the neutering of the irrigation grants policy, refocus the incentives for community based initiatives.

2.3 Principles

Principles suggested in considering the purpose of a revised policy for the Water Management Reserve include:

- That the assistance be for feasibility and preliminary design ideas.
- That funding not be provided for funding the buy back or compensation for the surrender of water rights or mining privileges.
- Co-operation with the provision of data and information held by the Council for community water management purposes aligned with the Council's objectives.
- That funding not be provided for the funding of infrastructure.
- That the funding be at the discretion of the Chief Executive.

3. Recommendation

- (1) That the reserve held be re-titled 'Water Management Reserve'.
- (2) That its utilisation be in accordance with the principles set out in this report.

Wayne Scott
Director Corporate Services

REPORT

Document Id: A675007

Report Number: 2014/1455

Prepared For: Finance and Corporate

Prepared By: Projects Manager

Date: 23 September 2014

Subject: **Draft Significance and Engagement Policy**

1. Précis

Following the enactment of the Local Government Act 2002 Amendment Act 2014 in August 2014, Council is required, under section 76AA, to adopt a policy setting out its approach to significance and engagement, by 1 December 2014. The policy must be consulted on before adoption.

The purpose of this paper is to present to the Finance and Corporate Committee a draft Significance and Engagement Policy for consideration and approval for consultation, and to consider recommendations made on how council should consult on the draft policy.

2. Background

The amended Local Government Act (LGA) requires Council to adopt a Significance and Engagement Policy by 1 December 2014. The policy must set out:

- Council's general approach to determining the significance of proposals and decisions; and
- the criteria or procedures to be used for assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and
- how Council will respond to community preferences about engagement on decisions, including the form of consultation that may be desirable; and
- how Council will engage with communities on other matters.

The purpose of the policy is:

- to enable Council and its community to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and
- provide clarity about how and when communities can expect to be engaged in decisions; and
- to inform council at the beginning of a decision making process about the extent of public engagement that is expected before a decision is made and the form or type of engagement required.

3. Draft Significance and Engagement Policy

The draft policy is divided into three sections, significance, engagement and strategic assets.

3.1 Significance

The LGA defines significance as follows:

“significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for, -

- (a) the district or region;*
- (b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;*
- (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.”*

The draft policy sets out the considerations that must be made when determining the degree of significance of any issue, proposal, decision or matter. Consideration must be given to the consequences or impacts on Otago residents and ratepayers, the level of public interest in the matter, and financial and other costs.

The policy includes procedures that are to be followed and include the completion of a checklist when preparing any report to Council and Committees that require a decision to be made. The check list will assist assessing the degree of significance of the matter. The policy provides that the authority to approve assessments made be delegated to the Chief Executive and the Directors of Council.

3.2 Engagement

The policy sets out how the ORC will interact with the Otago community, interest groups and ratepayers, as part of its decision making processes. The degree of significance of a matter will inform the type of engagement tool that may be used and level of engagement.

Engagement tools identified include public meetings, the use of social media, surveys, and undertaking consultation, which must be used if a matter is determined to be significant.

The policy sets out the legislative requirements for consultation, e.g., the requirement to consult on policies prepared under the RMA. It discusses other situations when engagement with individuals, groups stakeholders and others will be undertaken by council, including engaging on water quality issues, and ways to comply with Councils water plan requirements, and engaging with land owners and occupiers on matters including pest animal and pest plant controls.

A section is also included on how council undertakes consultation with Maori.

3.3 Strategic assets

Legislation requires that the policy lists those assets considered by Council to be strategic assets. The policy notes those assets as being the shares held in Port Otago Limited, and Council’s flood protection and drainage schemes.

4. Consultation on the draft policy

Council is required to consult on this draft policy in accordance with Section 82 of the LGA, unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

Section 82 gives Council the discretion to undertake consultation in a manner it considers appropriate, having regard to the principles of consultation, which include providing relevant information on the matter and encouraging people who have an interest or may be affected to present their views.

It is recommended that council consults on this draft policy in the following way:

- a copy of the draft policy be put on council's web site, inviting feedback;
- place advertisements in the Otago Daily Times and Southland Times of the availability of the policy for feedback;
- post notifications on council's facebook and twitter pages about the policy.

It is further recommended that feedback be received no later than 10 November.

The policy must be adopted by Council no later than 1 December. It is recommended that Council delegate to the Finance and Corporate Committee the consideration of the policy following consultation, and its adoption. The Finance and Corporate Committee is scheduled to meet on 26 November.

5. Recommendation

1. That this paper be received.
2. That the draft policy be endorsed for consultation.
3. That consultation is carried out in accordance with Section 4 of this paper.
4. That Council delegate to the Finance and Corporate Committee the consideration of the policy following consultation, and its adoption.

Wayne Scott
Director Corporate Services

DRAFT SIGNIFICANCE & ENGAGEMENT POLICY

A668088

Introduction

This policy provides guidelines for determining the significance of proposals and decisions in relation to issues, assets or other matters in relation to the region, persons likely to be affected, and the council's capability to perform.

This policy sets out how Council may engage the Otago community in its decision making processes, and what types of decisions may be involved.

This policy also sets out those assets considered by Council to be strategic assets.

Significance

The Local Government Act 2002 (the Act) defines significance, as follows:

“significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for, -

(a) the district or region;

(b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;

(c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.”

Assessing significance is essentially a matter of judgement. Council will consider each issue, proposal, decision or matter to determine the degree of significance attached to it. The degree of significance will influence Council's approach to decision making. As the level of significance increases, the degree of community engagement undertaken will also increase.

Degree of significance

When determining the degree of significance of any issue, proposal, decision or other matter Council will consider:

- the extent of any consequences or impacts on Otago residents and ratepayers. A moderate impact on a large number of residents or ratepayers, and a major impact on a small number of residents or ratepayers will have higher degrees of significance than when there is a minor impact on any number of residents or ratepayers;
- the level of public interest likely to be generated within the region or New Zealand generally;
- any likely effect on the ability of the ORC to perform its role and carry out its existing activities;
- any financial and other costs.

Judgement will set the level of community engagement required, and whether or not any impacts and consequences are of such a degree of importance as to require consultation on the issue, proposal, decision or other matter. The assessment will be documented, with reasons for conclusions reached.

Criteria

All circumstances surrounding the issue, proposal, decision or other matter must be taken into account.

Financial considerations

In order to determine whether or not an issue, proposal, decision or other matter is significant on the basis of its monetary value, comparison of its cost should be made against an appropriate base amount.

Consideration will also be given to what proportion of the community is likely to be financially affected by the issue, proposal, decision or other matter.

To assist practical situations, percentage limits may be used as guides for determining the level of significance, with respect to monetary value:

- an amount, which is equal to or greater than 10% of the appropriate base amount, could be presumed to be significant, unless there is evidence to the contrary.
- an amount, which is equal to or less than 5% of the appropriate base amount could be presumed to not be significant, unless there is evidence to the contrary.
- an amount, which lies between 5% and 10% of the appropriate base amount is a matter of judgement and depends upon the particular circumstances of the case.

Other considerations

An issue, proposal, decision or other matter that does not meet the financial significance guidelines may still be considered significant if it:

- impact on people's ability to use property or essential services;
- substantially affects ORC's ability to carry out its existing activities, perform its statutory roles and meet statutory time frames;
- involves a strategic asset as listed in this policy.

Procedures

Issues, proposals, decisions or other matters that are part of the normal day to day operations of Council will not require formal consideration for significance.

Matters that are in ORC's Long Term Plan and/or Annual Plan, and other policies and plans that as a requirement of legislation, have been consulted on, will not usually need further consideration in terms of this policy.

When preparing reports to Council and Committees that require a decision, staff will complete a checklist indicating the following:

- whether or not the issue, proposal, decision or matter has been included in an Annual Plan or Long Term Plan,

- the financial cost, if any associated with the issue, proposal, decision or matter, if it has been budgeted for, and if so, if it is within budget, and
- an assessment of the significance of the issue, proposal, decision or matter.

Authority is delegated to the Chief Executive Officer and the Directors of Council to review the assessment of significance on any issue, proposal, decision or matter arising, and approve the assessment made.

If an issue, proposal, decision or matter is determined to be significant, consultation will be required.

Engagement

Engagement in terms of this policy is about how the ORC will interact with the Otago community, interest groups, and its ratepayers, as part of its decision making processes, and how council will respond to the preferences of the community.

Not all decisions will necessarily require specific engagement. As the level of significance of a decision increases, the degree of community engagement undertaken will also increase.

Some engagement is undertaken to provide information to the community including about what the council is doing, and some engagement is undertaken to get feedback from the community on its preferences in relation to issues. This policy is in respect of the engagement undertaken to seek community preferences.

Forms of engagement

Engagement takes many forms, from meeting informally with individuals and groups as part of our day to day operations, through to undertaking formal consultation processes with the whole community to seek its views on a specific matter.

When considering formal forms of engagement, the nature of the issue, proposal, decision or matter arising will help inform which engagement tool might be appropriate to the circumstance.

The sorts of tools council may use to engage with its community include:

- undertaking surveys
- using social media such as facebook and twitter
- meeting with individuals, focus groups and key stakeholders
- holding public meetings
- undertaking consultation

When choosing which engagement tool to use, consideration would be given to the circumstances of the matter including:

- who is being impacted by the matter, i.e., is it a small focused group, or region wide, and how are they being impacted;
- what information does council already hold on community preferences in relation to the matter; and
- what is the level of significance of the matter, and the level of urgency in making a decision on it.

Legislative requirements for consultation

Consultation is just one tool of engagement. Both the Local Government Act (LGA) and the Resource Management Act (RMA) have provisions around consultation.

Local Government Act 2002

In Section 82 of the LGA, the principles of consultation are provided. These principles include the following:

- anyone who may be affected or have an interest in a decision or matter should be encouraged to present their views to the local authority;
- the views presented should be received with an open mind, and given due consideration when making a decision; and
- processes must be in place for consulting with Maori.

Within this section Council is given the discretion to apply the principles in a manner it considers appropriate to any particular instance.

The LGA also sets out those circumstances when consultation in accordance with Section 82 must take place, and includes:

- development of this Significance and Engagement policy
- Annual plans
- Amending funding and financial policies

In Section 83, the LGA provides for a prescribed form of consultation, being the special consultative procedure. This procedure includes:

- preparation of a statement of proposal, which provides information on the matter to be consulted on, and making this publicly available;
- providing a period of not less than one month for people to provide their views on the proposal; and
- providing an opportunity for people to present their views to council in person or by way of audio link or audiovisual link.

The LGA also sets out those circumstances when Council must use the special consultative procedure for engaging with the community, and they include:

- making, amending or revoking a bylaw; and
- adopting or amending a Long Term Plan.

Resource Management Act 1991

The RMA sets out the process for consultation that Council must use when developing policy statements, or regional or district plans under this Act. The steps include:

- giving public notice of the consultation and sending a copy of the notice to anyone council thinks may be affected, and
- allowing 40 working days for receiving submissions, and
- advertising that a summary of submissions received is available, and inviting further submission, and
- providing an opportunity for people to present their views.

These legislative requirements for consultation cover a high proportion of matters that Council would otherwise wish to engage the Otago community on.

Other engagement matters

There are many other situations when engagement with individuals, groups, stakeholders and communities will be undertaken by Council. These include but are not limited to the following:

- matters determined to be significant, if not already consulted on under legislative requirements;
- engaging with individuals and communities on water quantity issues and the availability of water;
- engaging with individuals and communities on water quality issues, and ways to comply with Councils water plan requirements;
- liaising with those living within our flood protection and drainage scheme areas on scheme matters;
- engaging with communities on ways to improve air quality;
- engaging with land owners and occupiers on matters including pest animal and pest plant controls; and
- seeking information on customer satisfaction with services provided, and the council as a whole.

In all cases where engagement has been undertaken as part of Council's decision making processes, community preferences will be taken into consideration prior to any decision being made. Reports to Council and Committees prepared by staff will provide details of any engagement undertaken including the preferences of the community on the matter being decided upon.

Consultation with Maori

Council has in place a "Memorandum of Understanding and Protocol between Otago Regional Council, Te Rūnanga o Ngāi Tahu and Kāi Tahu ki Otago for Effective Consultation and Liaison". The memorandum and protocol were first established in 2001, and are reviewed and updated as appropriate.

Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whānui, a body corporate established 24 April 1996. The takiwā (area) of Ngāi Tahu Whānui includes the entire area of Otago Region.

It is the acknowledged practice of Te Rūnanga o Ngāi Tahu that consultation in the first instance is with the Papatipu Rūnanga. In the Otago Region there are four Papatipu Rūnanga being:

- Te Rūnanga Moeraki;
- Kati Huirapa Rūnanga ki Puketeraki;
- Te Rūnanga o Ōtākou; and
- Hokonui Rūnaka.

Council has statutory responsibilities to consult with Iwi and Maori on relevant management issues in the region and to take into account the principles of the Treaty of Waitangi. These obligations are primarily under the RMA 1991, the Ngāi Tahu Claims Settlement Act 1998, the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999, the Biosecurity Act 1993, and the Local Government Act 2002.

Consultation is required on the development, review and implementation of the Council's regulatory plans, policies and strategies under the LGA, RMA and Biosecurity Act. For such plans, policies and strategies, consultation and building of knowledge is mutually supported and facilitated through specific consultancy agreements between the Council and Kāi Tahu ki Otago Limited.

Meetings are held each year with representatives from the four Papatipu Rūnanga, Te Rūnanga o Ngāi Tahu, and Te Ao Marama, and discussions include Council's work programmes and plans.

Consent approvals and other regulatory permissions, wherever required by statute or plans, when being impacting Iwi / Maori interests and understandings, will involve consultation with Iwi / Maori.

Strategic Assets

The Act defines strategic assets as:

“strategic asset, in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future wellbeing of the community; and includes:

- (a) Any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and*
- (b) Any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and*
- (c) Any equity securities held by the local authority in –*
 - i. A port company within the meaning of the Port Companies Act 1988:*
 - ii. An airport company within the meaning of the Airport Authorities Act 1966.”*

The assets that the ORC holds and considers to be strategic are:

- ORC shares held in Port Otago Limited
- Flood Protection and Drainage Schemes

REPORT

Document Id: A681695

Report Number: 2014/1566
Prepared For: Finance and Corporate
Prepared By: Director Corporate Services
Date: 7 October 2014

Subject: **Audit and Risk Subcommittee**

1. Précis

The Audit and Risk Subcommittee has met to consider the 2013/14 Annual Report, and other matters, and provides this report to the Finance and Corporate Committee.

2. Background

The Council's Audit and Risk Subcommittee met on Tuesday 7 October. As resolved by Council, the meeting was chaired by the appointed independent member, Mr Dave Benham. The primary focus of the meeting was consideration of the 2013/14 Annual Report and Financial Statements, and other areas of the subcommittee's responsibilities were also covered.

The Terms of Reference for the subcommittee were endorsed, and a meeting frequency of three times per annum or as otherwise required was adopted.

3. 2013/14 Annual Report and Financial Statements

The Council's auditors, Deloitte, were present for this item. The subcommittee discussed and considered the Annual Report document, and the auditors' comments.

The Annual Report shows a positive result, a healthy financial position, and an unqualified audit opinion is to be received.

The subcommittee recommends that the Annual Report and Financial Statements for the year ended 30 June 2014 be adopted.

4. Legislative Compliance

The subcommittee considered a background report on legislative compliance, noting initiatives for a formally structured programme under the guidance of our internal Legal Counsel. Examples of work already in place or undertaken were advised to the subcommittee.

5. Insurance

The subcommittee received a report on details of the Council's insurance cover including material damage, business interruption, vehicles, plant and equipment, fidelity guarantee, personal accident, liability and indemnity, and harbourmaster cover.

6. Risk Management

The subcommittee considered a report on the establishment of a formal risk management framework across Council. The work initiated is to review risks, evaluate them in a systematic way to manage the risks, and to identify improvements and actions to avoid or minimise those risks.

7. Recommendation

- (1) That this report be received.
- (2) That the Annual Report and Financial Statements for the year ended 30 June 2014 be recommended for adoption.

Wayne Scott
Director Corporate Services

REPORT

Document Id: A681919

Report Number: 2014/1568

Prepared For: Finance and Corporate Committee

Prepared By: Director Corporate Services

Date: 8 October 2014

Subject: **Kakanui River Water Allocation Subcommittee**

1. Précis

The Kakanui River Water Allocation Subcommittee exercises control over water permits to take water from the Kakanui River during periods of low flow. The members of the Subcommittee are appointed by the Council.

2. Background

The Kakanui River Water Allocation Subcommittee exercises control over water permits to take water from the Kakanui River during periods of low flow when the minimum flow applicable to the river is being approached.

The Committee has not less than three and not more than five members, as appointed by the Otago Regional Council on the advice of the water permit holders subject to the control of the Subcommittee.

3. Election of Subcommittee members

The minutes of the Subcommittee's Annual General Meeting held on Thursday 7 August 2014 are attached. The following were elected as members of the Subcommittee:

James McNally
John (Snow) Newlands
Roger Fox
Lyndon Strang
Mark Lawrence

The Terms of Reference require that the membership of the Committee be approved by the Council.

4. Recommendation

That James McNally, John Newlands, Roger Fox, Lyndon Strang and Mark Lawrence be appointed to the Kakanui River Water Allocation Subcommittee.

Wayne Scott
Director Corporate Services

**Kakanui Water Allocation Committee
Annual General Meeting
2:20pm Thursday 7th August 2014
Maheno Hall**

The AGM was held following a Science update from ORC.

Present: James McNally, John (Snow) Newlands, Roger Fox, Lyndon Strang, Grant Ludemann, Jimmy Hunter, Owen & Helena Paton, Donald Johnston, Ray Simpson, Mark Lawrence, Ross Robertson, Nigel de Geest, Ross Ewing, Doug Brown (ORC Councillor), James White (ORC).

Apologies: Robert Borst, Bill Johnston

Moved: Lyndon Strang

Seconded: James McNally

Chairman's Report: Lyndon Strang gave the Chairman's report on Robert Borst's behalf:

- Chairman's absence – concerns that monitoring is focussed on his operations, can't be impartial and feels that his ability to work with ORC has been compromised.
- Rostering system has worked well over the previous two seasons. Spreads the workload.
- River flows have had good flow.
- 6A rollout commenced – education on what is enforceable now and what we are working towards in 2020.
- Landcare Trust Kakanui Project is underway – WAC has had representation at these meetings through Ross and Roger.
- Helping develop relationships with other community groups – Iwi, Ratepayers, Fish & Game. That they understand what we are doing.
- Scottech issues over the previous year – minor data transfer, check that everything is working. Flow meter and telemetry checks.

Minutes of the previous Annual General Meeting were moved as being a true and accurate record.

Moved: Lyndon Strang

Seconded: Roger Fox

Lyndon Strang acknowledged the time and efforts of the Water Allocation Committee members. He then vacated the chair.

James White also thanked the committee and in particular Robert Borst. The WAC have an important task to do for all irrigators. It is very stressful and can be a considerable workload during times of low flow.

The election of committee members:

James White called for nominations of irrigators to make up the members of the Kakanui Water Allocation Committee for the next three years (3-5 people). No proxy forms were provided on the day.

It was nominated that new committee would be:

James McNally, John (Snow) Newlands, Roger Fox, Lyndon Strang, Mark Lawrence.

As there was the required number of committee members nominated a vote was not necessary. These five nominated members were approved as being the members of the Kakanui Water Allocation Committee.

Moved: Ross Ewing
Seconded: Lyndon Strang

Congratulation to James McNally, John (Snow) Newlands, Roger Fox, Lyndon Strang, Mark Lawrence!

The Allocation Committee members determine the Chairman from the group and will inform ORC as soon as possible.

General Business:

- Water monitoring – combining our resources, better results, less cost, could use the information to manage issues internally before ORC gets involved. Example of Pomahaka farmers group doing this. To be discussed further. James White to email group Pomahaka newsletter and more detail to Lyndon Strang on how it works.
- James White outlined his ORC Community Liaison and Education role and offered his assistance to the group in understanding the new 6A rules as well as general liaison with ORC.
- The Allocation Committee will advise ORC of their preferred date for meeting with the Kakanui Ratepayers and Fish & Game (likely to be later in year).

Meeting closed 3:10pm

**Kakanui Water Allocation Committee
Annual General Meeting
2:20pm Thursday 7th August 2014
Maheno Hall**

The AGM was held following a Science update from ORC.

Present: James McNally, John (Snow) Newlands, Roger Fox, Lyndon Strang, Grant Ludemann, Jimmy Hunter, Owen & Helena Paton, Donald Johnston, Ray Simpson, Mark Lawrence, Ross Robertson, Nigel de Geest, Ross Ewing, Doug Brown (ORC Councillor), James White (ORC).

Apologies: Robert Borst, Bill Johnston

Moved: Lyndon Strang

Seconded: James McNally

Chairman's Report: Lyndon Strang gave the Chairman's report on Robert Borst's behalf:

- Chairman's absence – concerns that monitoring is focussed on his operations, can't be impartial and feels that his ability to work with ORC has been compromised.
- Rostering system has worked well over the previous two seasons. Spreads the workload.
- River flows have had good flow.
- 6A rollout commenced – education on what is enforceable now and what we are working towards in 2020.
- Landcare Trust Kakanui Project is underway – WAC has had representation at these meetings through Ross and Roger.
- Helping develop relationships with other community groups – Iwi, Ratepayers, Fish & Game. That they understand what we are doing.
- Scottech issues over the previous year – minor data transfer, check that everything is working. Flow meter and telemetry checks.

Minutes of the previous Annual General Meeting were moved as being a true and accurate record.

Moved: Lyndon Strang

Seconded: Roger Fox

Lyndon Strang acknowledged the time and efforts of the Water Allocation Committee members. He then vacated the chair.

James White also thanked the committee and in particular Robert Borst. The WAC have an important task to do for all irrigators. It is very stressful and can be a considerable workload during times of low flow.

The election of committee members:

James White called for nominations of irrigators to make up the members of the Kakanui Water Allocation Committee for the next three years (3-5 people). No proxy forms were provided on the day.

It was nominated that new committee would be:

James McNally, John (Snow) Newlands, Roger Fox, Lyndon Strang, Mark Lawrence.

As there was the required number of committee members nominated a vote was not necessary. These five nominated members were approved as being the members of the Kakanui Water Allocation Committee.

Moved: Ross Ewing
Seconded: Lyndon Strang

Congratulation to James McNally, John (Snow) Newlands, Roger Fox, Lyndon Strang, Mark Lawrence!

The Allocation Committee members determine the Chairman from the group and will inform ORC as soon as possible.

General Business:

- Water monitoring – combining our resources, better results, less cost, could use the information to manage issues internally before ORC gets involved. Example of Pomahaka farmers group doing this. To be discussed further. James White to email group Pomahaka newsletter and more detail to Lyndon Strang on how it works.
- James White outlined his ORC Community Liaison and Education role and offered his assistance to the group in understanding the new 6A rules as well as general liaison with ORC.
- The Allocation Committee will advise ORC of their preferred date for meeting with the Kakanui Ratepayers and Fish & Game (likely to be later in year).

Meeting closed 3:10pm

REPORT

Document Id: A676130

Report Number: 2014/1472

Prepared For: Finance and Corporate

Prepared By: Director Corporate Services

Date: 25 September 2014

Subject: **Schedule of Meetings to December 2015**

1. Précis

A proposed schedule of Ordinary Council and Committee meetings for the period to December 2015 is submitted for consideration.

2. Background

A draft meeting schedule for the period to December 2015 is attached for consideration.

The schedule has been predicated on the present six week cycle, with a single Committee day. Workshops would be arranged in conjunction with the scheduled meetings.

The proposed schedule also identifies statutory holiday dates.

3. Recommendation

That the attached schedule of Ordinary Council and Committee meetings to December 2015 be adopted.

Wayne Scott
Director Corporate Services

Schedule of Ordinary Council & Committee Meetings to December 2015

2014	Meeting	Other Key Dates
27 October (Mon)		Labour Day
29 October (Wed)	Council	
26 November (Wed)	Committees	
10 December (Wed)	Council	
2015	Meeting	Other Key Dates
28 January (Wed)	Committees	
6 February (Fri)		Waitangi Day
11 February (Wed)	Council	
11 March (Wed)	Committees	
23 March (Mon)		Otago Anniversary Day
25 March (Wed)	Council	
3 April (Fri)		Good Friday
6 April (Mon)		Easter Monday
7 April (Tues)		Otago Anniversary Day observance
22 April (Wed)	Committees	
25 April (Sat)		Anzac Day
6 May (Wed)	Council	
1 June (Mon)		Queen's Birthday
3 June (Wed)	Committees	
24 June (Wed)	Council	
19-21 July (Sun-Tues)		LGNZ Conference in Rotorua
22 July (Wed)	Committees	
5 August (Wed)	Council	
2 September (Wed)	Committees	
16 September (Wed)	Council	
14 October (Wed)	Committees	
26 October (Mon)		Labour Day
28 October (Wed)	Council	
25 November (Wed)	Committees	
9 December (Wed)	Council	

OTAGO REGIONAL COUNCIL**Agenda for a meeting of the Communications Committee to be held in
the Council Chamber, 70 Stafford Street, Dunedin on Wednesday
15 October 2014 following the Finance and Corporate
Committee meeting**

Membership: Cr Trevor Kempton (Chairperson)
Cr Graeme Bell (Deputy Chairperson)
Cr Doug Brown
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Sam Neill
Cr Gretchen Robertson
Cr Bryan Scott
Cr David Shepherd
Cr Stephen Woodhead

Apologies: Cr Doug Brown

Leave of absence:

In attendance:

Please note that there is an embargo on agenda items until 8.30 am on Monday 13 October.

CONFIRMATION OF AGENDA**PUBLIC FORUM****MINUTES**

The minutes of the meeting held on 4 September 2014, having been circulated, for adoption

Matters arising from minutes

FOR NOTING

Item 1

2014/1463 **Stakeholder Engagement Report.** DSE, 2/10/14

Reporting on community, stakeholder and staff engagement activities carried out by Stakeholder Engagement directorate staff since the last meeting.

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Communications Committee held in the
Council Chamber, 70 Stafford Street, Dunedin on
Thursday 4 September 2014 commencing at 8.48 am**

Present: Cr Trevor Kempton (Chairperson)
Cr Doug Brown
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Sam Neill
Cr Gretchen Robertson
Cr Bryan Scott
Cr David Shepherd
Cr Stephen Woodhead

Apology: Cr Graeme Bell
The apology was accepted on the motion of Crs Croot and Neill.

In attendance: Peter Bodeker
Wayne Scott
Jeff Donaldson
Jane Leahy
Fraser McRae
Gavin Palmer
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 24 July 2014, having been circulated, were adopted on the motion of Crs Deaker and Croot.

Matters arising from minutes

There were no matters arising from the minutes.

FOR NOTING

Item 1

2014/1244 **Stakeholder Engagement Report.** DSE, 20/8/14

The report detailed community, stakeholder and staff engagement activities carried out by Stakeholder Engagement directorate staff since the last meeting. Cr Kempton noted the new format of the report, which combined the Community Liaison and Education, Communications and Media, and Customer Services sections into one report structured by ORC objectives.

It was noted that the questions being asked by the public in relation to Plan Change 6A were the same as those asked at the launch of the Plan Change, and indicated that people were seeking clarity on the requirements. In response to a question Mrs Leahy advised that staff had met recently with representatives from major forestry companies to discuss the implications of 6A rules for their industry, and were now planning meetings with forestry contractors.

The availability of presentation resources for field days was discussed and Mrs Leahy advised that relevant fact sheets were in production. A 'what do I need to do now?' resource was being developed in the form of a one page information sheet, laminated so that it could be displayed in working environments for quick reference. A programme was in place to develop these resources and keep them up to date.

A question was raised about involvement in the ECan funding application to run an in-house behavioural change project. Mrs Leahy explained that ORC had written in support of ECan's funding application, and had also provided financial and other assistance. She commented that the learnings from the ECan study would be useful for Otago, and it was anticipated that the project, if funded, would be relevant for air quality initiatives nationally.

The spike in visits to the ORC website on the snow day (Friday 8 August) was noted, with people checking for information on buses. Mrs Leahy commented that an advantage of having bus information on the main website was that people were then encouraged to look at other ORC services and information. A lot of work was being put into developing the website and making it easier to use.

The report noted the requirement under changes to the Local Government Act for councils to prepare a Significance and Engagement Policy. Mrs Leahy explained that the policy should identify at what point a matter should be consulted on with the public, and should distinguish between consultation and engagement. A draft policy would be presented to the next Committee meeting before being made available for public comment.

Reference was made to the DCC on-line system which regularly sought public comment on a range of topics, and it was suggested that ORC set up a similar facility.

In response to a question Mr Scott commented that the Council could develop its own set of procedures for consultation that was not at the level referred to in the amendment to the Local Government Act.

In response to a question about Customer Relationship Management (CRM) software, Mrs Leahy explained that currently staff were investigating processes used by other organisations. Mr Bodeker pointed out that some staff had strong relationships with individual ratepayers, and while these were useful, the establishment of an automated system would free staff to work more effectively on other tasks.

Cr Deaker moved
Cr Kelliher seconded

That the report be noted.

Motion carried

The meeting closed at 9.20 am.

Chairperson

REPORT

Document Id: A675426

Report Number: 2014/1463

Prepared For: Communications Committee

Prepared By: Director Stakeholder Engagement

Date: 24 September 2014

Subject: **Stakeholder Engagement Committee Report - September 2014**

This report records stakeholder engagement activity between August 14 and September 24.

1. Water Quality and Quantity

Water Quality (Plan Change 6A)

The newly established project sponsor group, comprising Jeff Donaldson, Gavin Palmer and Jane Leahy, has been developing processes and structures that will drive effective delivery of the next phase of this project. These include a;

- Detailed project plan for activities to July 2015
- Process for reporting internally against targets
- Risk management plan
- Process mapping of project information management

The project sponsor group meets with the project management group on a regular basis to track progress.

Recent stakeholder engagement team work has been focussed on preparing for our target of meeting with all landholders by July 2015 to ensure they are aware of the new rules. The strategy for achieving this target is focussed on:

1. Cultivating early adopters
2. Working with agencies and rural professionals
3. Establishing key messages
4. Developing resources for immediate use
5. Developing a plan that maximises the use of resources to deliver this target.

Early Adopters

The interest in the water quality rules has continued to be strong with over 150 enquiries received. We have seen an increase in enquiries from consultants, contractors and rural professionals who are keen to understand what the rules mean for their clients.

We are encouraging groups of farmers to work together on understanding their water quality and how to improve it and the community liaison team are using opportunities to facilitate this. For example, we responded to a request by an Upper Taieri farming

group to run a field day. As a result, they have been provided with sampling kits and are intending to do their own monitoring of irrigation by wash and races and creeks over the summer to identify any issues.

Upper Taieri farming group field day



Agencies and Rural Professionals

We have met with representatives from Ravensdown and Balance to discuss approaches to developing nutrient budgets for all farms. We are progressing the idea of forming an OVERSEER® group, with representatives from the fertilizer companies, that will guide industry and farmers through the requirements of the plan and work with council to develop an approach for implementation of the rules.

We have met with Kāi Tahu ki Otago Ltd (KTKO) and arranged to partner with them in explaining the rules to their farmers through two field days in the summer.

Contractors have been identified as a group of stakeholders who will be impacted by the new rules and who have a significant influence on water quality through sediment. We met with the Southern Regional Manager from the New Zealand Contractors Federation who has invited us to present at their executive meeting next month with a view to developing a programme that can be rolled out to contractors across Otago.

A meeting was held with ORC, Environment Southland and AgResearch to share information on water quality.

Other meetings that we have attended to educate on the water quality rules have included Beef and Lamb workshops, Upper Waipahi discussion group, and the Sustainable Farming Fund Greenfeed group.

We will hold a number of workshops for rural professionals in November that will equip them to answer many enquiries and to start working with landholders on measures to help achieve the water quality rules.

Regional and national interest in the water quality rules has resulted in a number of speaking invitations including at a Rabobank event in Oamaru and the National Grasslands Conference in November.

Key Messages

Work is also continuing on the expansion of our key messages to ensure consistency of information delivery.

Resources

Work is almost completed on a water quality rules pack that will be used to hand out on farm visits. The pack includes a series of water quality guideline sheets, including FAQs. These tools will focus on specific areas of the water quality rules and where possible use pictures to help farmers identify and understand what is required.

The water quality logo has been incorporated onto pages on the website with connections to water quality to raise familiarity with it as the representation of our water quality information and rules.

Awareness Visit Plan

All Otago landholders of 20 hectares or more will receive information about the water quality rules by either a visit from an ORC representative on their farm or by attending an event where information on the rules is disseminated and we are able to register their details.

An intensive programme of visits is being scheduled for February to July 2015. These will be scheduled by area so that staff will be working in the same location for a two week block. Drop in sessions and a field day in each area will provide an opportunity for those who want to get more detail in a timely manner.

We know, from the road shows, that these visits will generate a high level of enquiry so much of the preparation is around have the resources both internally and externally to handle the enquiries.

We will measure the effectiveness of the visits by conducting a telephone survey across landholders before the end of this year with plans to repeat annually.

2. Land, Biodiversity and Biosecurity

The digital soil map for New Zealand, S-map, is the new national soils data base. This has been developed by Landcare Research and is now available through the Otago Regional Council website.

A public tutorial on S-maps was held at Council in September lead by Dr Sam Carrick.

3. Air Quality

The air quality project team have been meeting to continue on the development of a draft air quality strategy.

Environment Canterbury's application for funding for an in-home behavioural change project, that ORC is supporting, has progressed to the final stages. If successful, this project will provide valuable data that can be used nationally to decrease emissions from wood burners.

The outdoor burning brochure has been revised and reprinted.

4. Hazard and Risk Mitigation

Staff completed the event management and publicity for a series of flood education activities being held in Queenstown, Wanaka, Glenorchy and Kingston.

5. Regional Land Transport

Nothing to report.

6. Statutory Responsibilities

Work has begun on developing the communications and engagement plan for the Regional Policy Statement.

New submission forms for Proposed Plan Change 4C and 3B were designed. Submitters are able to use these to make submissions online.

7. Customers and other Stakeholders

The September Leaders Brief was produced and distributed to approximately 600 addresses and the latest Otagowide newsletter was produced and distributed throughout Otago. Both were focussed on the water quality rules.

Staff have been liaising with the Morgan Foundation regarding the New Zealand River Awards. This year's event includes an award recognising community work. ORC nominated Dr Simon McMillan (Kaikorai College) and Andrew Innes (John McGlashan) for their extraordinary work over many years educating and involving people in science based projects to improve Dunedin's rivers.

Summary of media and social media activity

Five media releases were prepared and distributed in the period. We received and responded to one letter to the editor related to buses.

ORC activity received 98 print media mentions and eight broadcast media mentions, with topics including water quality, rook control, and bus services.

We put out 20 posts on Facebook and 18 Tweets to Twitter. Subjects included community meetings, water quality, staff vacancies, and bus service disruptions. As at 26 September we had 79 likes on Facebook, and 217 followers on Twitter.

There were four ‘conversations’ (all involving bus-related issues) where comms staff and members of the public interacted on Twitter, and one on Facebook (also involving buses).

As at September 26, there were 217 subscribers to the ORC Twitter feed.

Web development and traffic summary

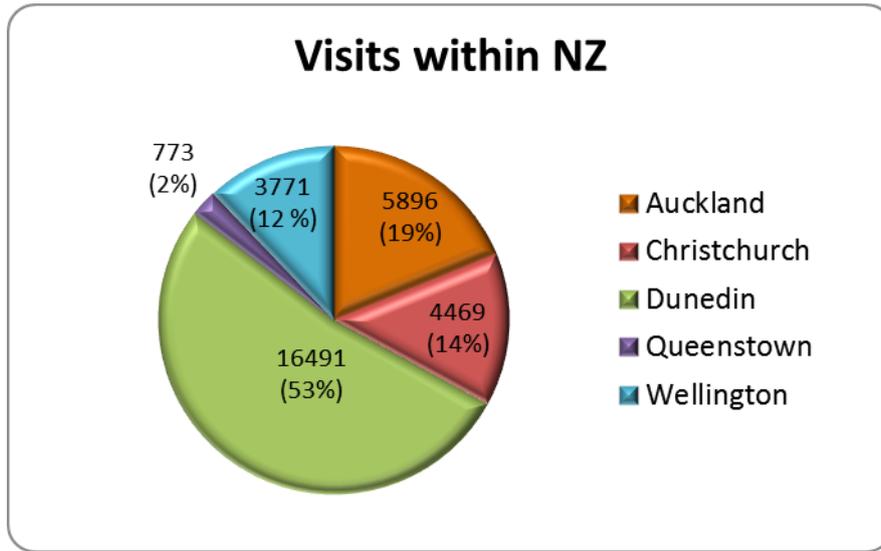
- Our website policy is to offer more services online. New policy submission forms are available for online completion and forms will soon be available for ratepayer use when notifying changes to their rates payment arrangements and contacts, and when making requests for rates remissions.
- Continual smaller updates and changes are made daily to the ORC website. 94 changes and updates were made during this period.

Daily visits to the ORC Website

During this period there were 34,657 visits to the ORC website from New Zealand, 729 from Australia, and 461 from the United States.

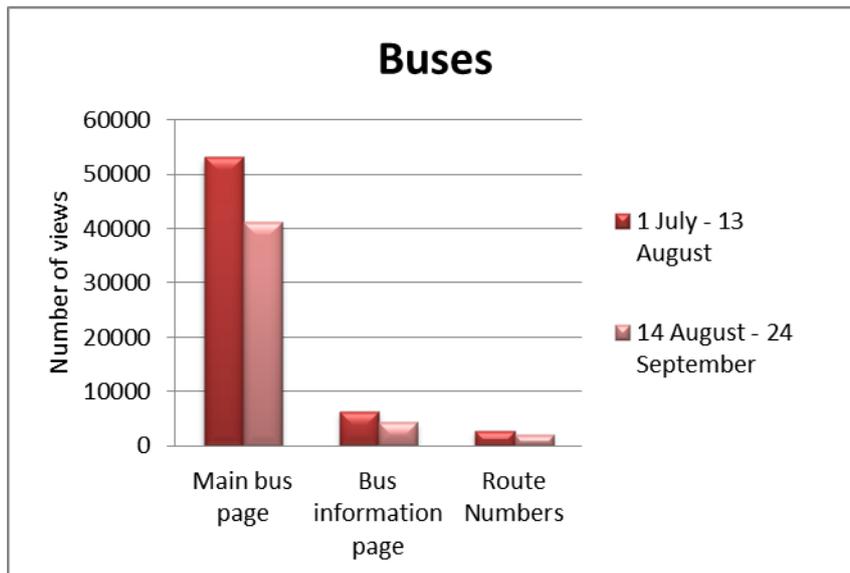
Monday 22nd September saw a small rise in the number of visits to our website by approximately 400 visits due to the ice/snow on the roads. Bus users visit our website to find out the any bus routes not running or time delays.

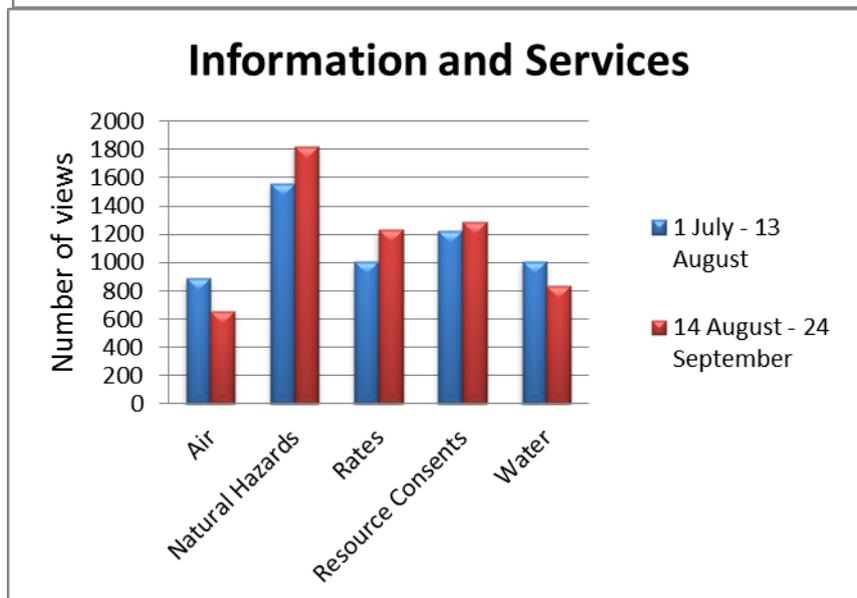
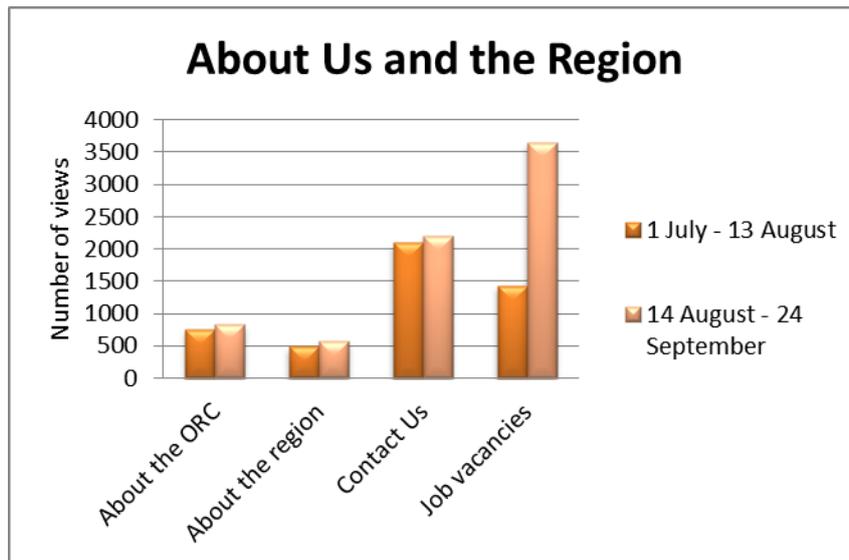


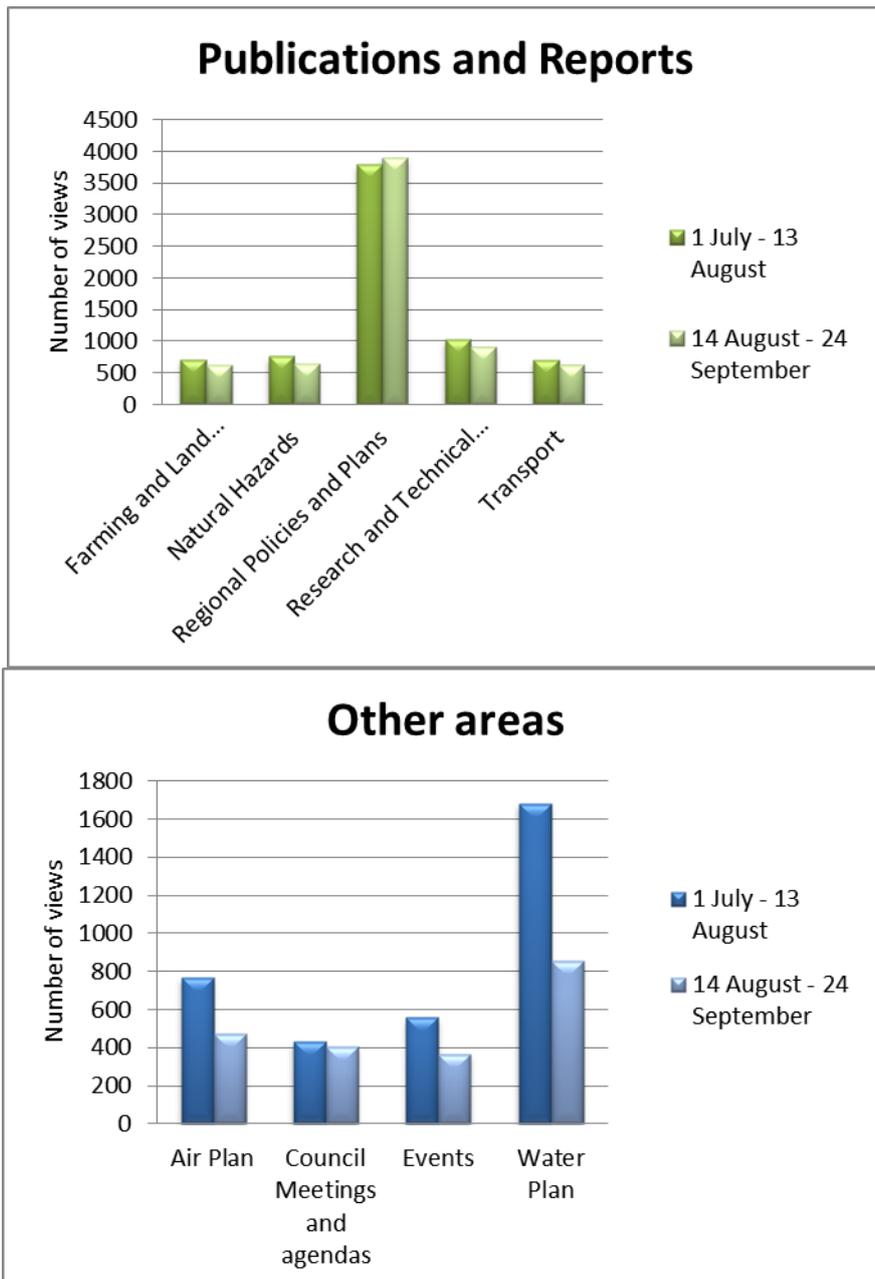


Average number of page views per visit was 3.14 and the top two downloads were the new bus timetable (3185) and the Otago Water Plan (1,006).

Analysis of webpages viewed







8. Recommendation

That this report is noted.

Jane Leahy

Director Stakeholder Engagement

OTAGO REGIONAL COUNCIL**Agenda for a meeting of the Policy Committee to be held in the
Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 15 October 2014 following the Communications
Committee meeting**

Membership:

Cr Gretchen Robertson (Chairperson)
Cr Michael Deaker (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Louise Croot MNZM
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Trevor Kempton
Cr Sam Neill
Cr Bryan Scott
Cr David Shepherd
Cr Stephen Woodhead

Apologies: **Cr Doug Brown**

Leave of absence:

In attendance:

Please note that there is an embargo on agenda items until 8.30 am on Monday 13 October.

CONFIRMATION OF AGENDA**PUBLIC FORUM****MINUTES**

The minutes of the meeting held on 4 September 2014, having been circulated, for adoption

Matters arising from minutes

PART A – RECOMMENDATIONS

Item 1

2014/1539 **RPS Consultation Draft of Proposed Review of the Regional Policy Statement for Otago Regional Council.** DPPRM, 3/10/14

A Consultation Draft of the Proposed Regional Policy Statement for Otago has been prepared and it is proposed to release this draft for consultation in accordance with clause 3, Schedule 1 of the Resource Management Act 1991. The draft document is circulated with the agenda.

Item 2

2014/1545 **Consultation Draft Proposed Plan Change 3C (Waiwera catchment minimum flow).** DPPRM, 1/10/14

The purpose of Proposed Plan Change 3C is to establish a primary allocation limit and minimum flow, and a supplementary allocation regime for the Waiwera catchment. Council endorsement is sought to release for public consultation the Consultation Draft and draft evaluation of the costs and benefits

PART B - FOR NOTING

Item 3

2014/1445 **Director's Report on Progress.** DPPRM, 26/9/14

The report gives an overview of significant activities undertaken by the Policy section.

OTAGO REGIONAL COUNCIL

**Minutes of a meeting of the Policy Committee held in the
Council Chamber, 70 Stafford Street, Dunedin on
Thursday 4 September 2014 commencing at 10.33 am**

Present:

Cr Gretchen Robertson (Chairperson)
 Cr Doug Brown
 Cr Louise Croot MNZM
 Cr Gerrard Eckhoff
 Cr Gary Kelliher
 Cr Trevor Kempton
 Cr Sam Neill
 Cr Bryan Scott
 Cr David Shepherd
 Cr Stephen Woodhead

Apologies:

Cr Graeme Bell
 Cr Michael Deaker
 The apologies were accepted on the motion of Crs
 Shepherd and Croot.

In attendance:

Peter Bodeker
 Wayne Scott
 Jeff Donaldson
 Jane Leahy
 Fraser McRae
 Gavin Palmer
 Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 24 July 2014, having been circulated, were adopted on the motion of Crs Croot and Neill.

Matters arising from minutes

There were no matters arising from the minutes.

FOR NOTING

Item 1

2014/1269 **Director's Report on Progress.** DPPRM, 19/8/14

The report gave an overview of significant activities undertaken by the Policy section since the last meeting.

In response to a question about the MfE National Policy Direction on Pest Management Plans, Mr McRae explained that the amendment paper discussed changes to the Biosecurity Amendment Act and how central government would work with region government on pest management plans. The paper was supposed to be available before the general election, but had now been pushed out to mid February.

A question was raised about the ORC's submission on ECan Plan Change 3 Waitaki Catchment Water Allocation Regional Plan. Mr McRae explained that ORC's concerns related to inflow back into gravels under the North Otago plains. This could make didymo and algal growth difficult to deal with, and compliance with national standards for chlorophyll would become an issue. Mr McRae explained that varying minimum flows to include a shoulder season created a better flow regime which could reduce didymo occurrence.

Cr Croot moved
Cr Scott seconded

That the report be noted.

Motion carried

The meeting closed at 10.42 am.

Chairperson

REPORT

Document Id: A679707

Report Number: 2014/1539
Prepared For: Policy Committee
Prepared By: Manager Policy, Dale Meredith
Date: 3 October 2014

Subject: **Consultation Draft of Proposed Review of the Regional Policy Statement for Otago Regional Council**

1. Précis

A Consultation Draft of the Proposed Regional Policy Statement for Otago (RPS) has been prepared and it is proposed to release this draft for consultation in accordance with clause 3, Schedule 1 of the Resource Management Act (RMA) 1991.

2. Background

The Regional Policy Statement for Otago was made operative on 1 October 1998, and is now due for review.

Purpose of an RPS

A regional policy statement achieves the purpose of the Resource Management Act 1991 (RMA) by providing an overview of the resource management issues of the region, and setting out the policies and methods to achieve the integrated management of the natural and physical resources of the whole region (section 59 RMA). Regional and district plans must give effect to the regional policy statement (sections 67(3) and 75(3)).

Audit of RPS

An audit of the operative RPS was undertaken at the beginning of the review, in accordance with Section 35(2)(b) RMA. Feedback was received from within Council and from the City and District Councils within the region. Key findings are summarised in Appendix 1.

Consultation already undertaken

Council has been liaising with the City and District Councils within Otago as the review has progressed. Over the past 18 months, five workshops have been held, with all councillors from across the region invited. Workshops have introduced the review process, identified the main outcomes desired, considered regionally significant issues and provided comment on the preliminary version of the Consultation Draft.

A Manawhenua Reference Group has been established, comprising representatives of runanga within the region, assisted by Kai Tahu ki Otago Ltd and Te Ao Marama Inc. They have met twice over the past year.

In April and May of 2014, a brochure about issues and options for the RPS was delivered to all householders and box holders within the region, inviting comment on issues, options and opportunities. A series of public meetings and informal discussion sessions were held across

the region in May. Written responses were received from over 100 individuals and organisations. A summary of feedback received is attached as Appendix 2.

Feedback from all sources has been considered in preparing the proposed Consultation Draft.

3. Summary of the consultation draft

The Consultation Draft of the Proposed RPS Review has been prepared around a vision for Otago which is described through four outcomes:

- Outcome 1: Good resource management decisions are made
- Outcome 2: Our environmental resources are maintained or enhanced
- Outcome 3: The use and enjoyment of our natural and built environment is maximised
- Outcome 4: Otago is prepared for future challenges.

The Consultation Draft is attached as Appendix 3. The Section 32 Evaluation Report, evaluating alternatives, benefits and costs of the proposed review will be finalised prior to notification.

The proposed consultation draft is being referred to Council's lawyer for a legal opinion.

4. RMA consultation requirements

The following entities must be consulted with during preparation of a proposed plan change under Clause 3 of Schedule 1 of the RMA:

- The Minister for the Environment.
- Other ministers of the Crown who may be affected.
- Local authorities who may be affected.
- Tangata whenua of the area who may be affected.
- The board of any foreshore and seabed reserve in the area.

The list of parties being consulted is attached as Appendix 4.

5. Next steps

The Proposed RPS Consultation Draft will be amended as necessary from feedback received. It is intended that the Proposed RPS and the Section 32 report be presented for notification to the January 2015 meeting of the Policy Committee. A summary of the anticipated progress of the proposed review is given below:

Action	Anticipated Date
Consultation with statutory agencies and stakeholders	Oct – Nov 2014
Public notification of Proposed RPS	Feb 2015
Submissions close [40 working days]	Apr 2015
Public notification of decisions requested and call for further submissions	May 2015
Further submissions close	Jun 2015
Hold hearings	Jul-Aug 2015
Council decision	Sept 2015

6. Recommendation

That the consultation draft of the Proposed Regional Policy Statement is released for consultation, as required under clause 3, Schedule 1 of the RMA.

Fraser McRae

Director Policy Planning & Resource Management

REPORT

Document Id: A679940

Report Number: 2014/1545
Prepared For: Policy Committee
Prepared By: Richard Pettinger, Senior Policy Analyst
Date: 01 October 2014

Subject: **Consultation Draft Proposed Plan Change 3C (Waiwera minimum flow)**

1. Précis

The Consultation Draft for Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago has now been prepared and it is proposed to release the draft for consultation in accordance with clause 3, Schedule 1 of the Resource Management Act 1991.

The purpose of the proposed plan change is to establish a primary allocation limit and minimum flow, and a supplementary allocation regime for the catchment.

This report presents a draft plan change, and a draft evaluation of the costs and benefits associated with the proposed changes.

2. Background

Over the past decade, the Otago Regional Council has been undertaking a programme of adding minimum flows to Schedule 2A of the Regional Plan: Water (Water Plan). Proposed Plan Change 3C will manage the Waiwera catchment by protecting instream values while providing for taking water.

A technical report has been produced providing flow requirement information for aquatic ecosystem habitat, *Management Flows for Aquatic Ecosystems in the Waiwera River (August 2006)*. Background information papers were also prepared for the workshops held, in 2010 and 2014, summarising what is known about the catchment.

There has been recent demand for water for out-of-stream uses, principally irrigation. When water takes increase, pressure is put on aquatic ecosystems and other instream values, and the river flow may be reduced more quickly and frequently to any minimum flow that is in effect.

One of the existing takes has had a minimum flow applied to it, set at the mean annual low flow (MALF, 310 l/s).

Schedule 2D of the Water Plan identifies those matters which are considered in setting a minimum flow and allocation regime for a catchment. These matters have been considered in preparing the suggested minimum flow at the most recent workshop.

Three public workshops were held in Clinton in recent years. Iwi, consent holders, Federated Farmers, Fish and Game Otago, Department of Conservation, as well as other members of the community with an interest in the river have been involved. Participants initially identified values within the catchment before considering the impacts of different regimes on those values.

The following values of the Waiwera catchment are important to the community:

- Ecosystem values, including habitat for native fish including galaxiids and longfin eels;
- Agricultural out-of-stream uses for stock drinking water and dairy shed supply;
- The significant presence of trout for anglers;
- Cultural values;
- Recreational use, including angling;
- Amenity values;
- Irrigation for agricultural and horticultural purposes.

3. The suggested proposal

The proposed Consultation Draft of the plan change is attached as Appendix 1. It proposes minimum flow and allocation regimes which best meet the values identified by the community for the catchment. A draft assessment of the options considered is attached as Appendix 2, the Section 32 Evaluation Report.

The proposed primary regime for the Waiwera River is a 260 l/s minimum flow in summer. Recent recalculation shows this will provide a 93% surety of supply to primary allocation consent holders and safeguard the instream values from takes in a dry year. The primary allocation limit proposed is 150 l/s, which is 48% of the Mean Annual Low Flow (MALF). This will have minimal adverse effects on instream values and provide a reasonable reliability of supply to consent holders.

The winter minimum flow of 400 l/s provides for spawning habitat for native fish and brown trout, recognising the higher flows needed to sustain the current fishery.

The supplementary regime proposes a minimum flow of 500 l/s and allocation block size of 100 l/s, to protect the primary allocation consent holders and provide for flow variability.

This is summarised in Table 1 below.

Table 1. Recommended allocation and minimum flow regime for Waiwera catchment

Primary minimum flow	260 l/s [1 October to 30 April] 400 l/s [1 May to 30 September]
Primary allocation limit	150 l/s
Supplementary allocation (Block 1)	100 l/s
Supplementary minimum flow (Block 1)	500 l/s

4. Clause 3, Schedule 1 consultation

The following entities must be consulted during the preparation of the proposed plan change:

- Minister for the Environment
- Other ministers of the Crown who may be affected
- Local authorities who may be affected
- Tangata whenua of the area who may be affected.

Kai Tahu ki Otago, Te Ao Marama and local runanga have been kept informed on progress of the public workshops. Iwi will continue to be consulted with. The Department of Conservation, Fish and Game Otago, Federated Farmers, the affected consent holders, and other members of the community have been actively involved in the community workshops and will continue to be engaged.

The proposed options have been presented to the community, and feedback has been received on potential impacts. There is no need to hold any further public meetings.

Comments will be received on the Consultation Draft until 31 October 2014, and will inform preparation of the proposed plan change.

5. Timeline

The following timetable is proposed:

Action	Anticipated Date
Consult statutory agencies and stakeholders	By 31 October 2014
Prepare proposed plan change for public notification	November 2014
Publicly notify proposed plan change	November or December 2014
Public notification of submissions, request for further submissions	Early 2015
Hold hearing	April 2015

6. Recommendation

That the attached Consultation Draft of Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago and the accompanying draft Section 32 Evaluation Report are released for consultation in accordance with clause 3, Schedule 1 of the Resource Management Act 1991.

Fraser McRae

Director Policy and Resource Planning

Appendix 1

Proposed Plan Change 3C (Waiwera catchment minimum flow)

CONSULTATION DRAFT

Regional Plan: Water for Otago

18 OCTOBER 2014

Introduction

The Otago Regional Council has prepared a Consultation Draft for Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago. It proposes to establish minimum flows, allocation limits, and monitoring sites for the Waiwera River.

This document should be read in conjunction with:

- Section 32 Evaluation Report; and
- The Regional Plan: Water for Otago operative as at 1 May 2014.

Amendments to the Regional Plan: Water as a result of Proposed Plan Change 3C are shown as follows: (additions underlined, deletions ~~struck out~~).

Any person may make comments on this consultation draft. You may do so by sending written comments to the Otago Regional Council, or by telephone.

Post to	Otago Regional Council Private Bag 1954 Dunedin 9054		
Fax to	(03) 479 0015		
Email to	policy@orc.govt.nz		
Deliver to	Otago Regional Council 70 Stafford Street Dunedin	William Fraser Building Dunorling Street Alexandra	The Station, First Floor Cnr Shotover and Camp Streets Queenstown
Telephone	(03) 474 0827; 0800 474 082		

Comments will be received until 31 October 2014.

Table of Contents

Chapter 6:	Water Quantity.....	1
Chapter 12:	Rules: Water Take, Use and Management	3
Schedule 2:	Schedule of specified restrictions on the exercise of permits to take surface water.....	5
Minor and consequential changes.....	7
Maps:	Interim Catchment Map for Waiwera River.....	8

Chapter, schedule and map headings relate to those in the operative Regional Plan: Water for Otago as at 1 May 2014

Proposed additions to the Plan are shown as underlined and proposed deletions are shown as ~~struck out~~.

6

Water Quantity

6.4 Policies applying to the taking of water

...

6.4.5 The minimum flows established by Policies 6.4.3, 6.4.4, 6.4.6, 6.4.9 and 6.4.10 will apply to resource consents for the taking of water, as follows:

- (a) In the case of new takes applied for after 28 February 1998, upon granting of the consent; and
- (b) In the case of any resource consent to take surface water from within the Taieri above Paerau and between Sutton and Outram, Shag, Kakanui, Water of Leith, Lake Hayes, Waitahuna, Trotters, Waianakarua, Pomahaka, Waiwera and Lake Tuakitoto catchment areas as defined in Schedule 2A, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act; and
- (c) In the case of any existing resource consent to take surface water from the Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and the Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, as defined in Schedule 2A, upon collective review of consent conditions within those catchments under Sections 128 to 132 of the Resource Management Act; and
- (d) ...

Explanation

This policy provides for the application of minimum flows to consents as follows:

1. New takes are subject to minimum flow provisions when the consent is granted.
2. For resource consents to take from rivers within catchments specified in Schedule 2A, except for the Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flow provisions apply, subject to the review of consent conditions under Sections 128 to 132 of the RMA..
3. ...

12

Rules: Water Take, Use and Management

12.1 The taking of surface water

12.1.4.2 Taking of surface water as primary allocation in the following Schedule 2A catchment areas:

Lake Hayes (Map B1),

Shag (Map B3),

Trotters (Map B3),

Waianakarua (Map B3),

Taieri Catchment upstream of Paerau (Map B4),

Taieri Catchment Sutton to Outram (Maps B4 and B5),

Water of Leith (Map B5),

Waitahuna (Map B5),

Pomahaka (Maps B11, B13 and B15),

Waiwera (Map B13 and B15), and

Lake Tuakitoto (Map B5):

...

20

Schedules



SCHEDULE 2: SPECIFIED RESTRICTIONS ON THE EXERCISE OF PERMITS TO TAKE WATER

2 Schedule of specified restrictions on the exercise of permits to take surface water

...

2A Schedule of specific minimum flows for primary allocation takes in accordance with Policy 6.4.3, and primary allocation limits in accordance with Policy 6.4.2(a) and 6.4.1A

The following schedule:

...

Catchment See Maps B1-B7	Monitoring Site (with MS number) See Maps B1-B7	Minimum flow (litres per second – instantaneous flow)	Primary Allocation Limits in accord with Policy 6.4.2(a) (litres per second – instantaneous flow)
<u>Waiwera catchment</u>	<u>Maws Farm (MS 16)</u>	<u>260 (October to April)</u> <u>400 (May to September)</u>	<u>150 litres/sec</u> <u>Waiwera catchment from</u> <u>confluence with</u> <u>Clutha/Mata-Au to</u> <u>headwaters</u>

2B Schedule of supplementary allocation blocks and specific minimum flows in accordance with Policy 6.4.9(c)

Catchment (See Maps B1-B7) & Supplementary Block Number	Minimum Flow (litres per second – instantaneous flow) at the monitoring site(s) (See Maps B1-B7)	Supplementary Allocation Block (litres per second – instantaneous flow)
<u>Waiwera catchment</u> <u>(first supplementary</u> <u>allocation block)</u>	<u>500</u> <u>At Maws Farm (MS 16)</u>	<u>500</u>

Table of minor and consequential changes

Plan Provision	Detail of proposed change								
Page numbers	Update page numbers.								
Footers	Change footer to read “ <u>Regional Plan: Water for Otago (Updated to <date to be inserted>)</u> ”.								
Title page	Change the date to read “ <u>Updated to <date to be inserted></u> ”.								
ISBN number	Obtain new ISBN numbers for Regional Plan: Water for Otago.								
Chronicle of key events	<p>Add the following to the end of the table:</p> <table border="1"> <thead> <tr> <th>Key event</th> <th>Date notified</th> <th>Date decisions released</th> <th>Date operative</th> </tr> </thead> <tbody> <tr> <td><u>Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water</u></td> <td><Date to be inserted> 2014</td> <td><Date to be inserted></td> <td><Date to be inserted></td> </tr> </tbody> </table>	Key event	Date notified	Date decisions released	Date operative	<u>Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water</u>	<Date to be inserted> 2014	<Date to be inserted>	<Date to be inserted>
Key event	Date notified	Date decisions released	Date operative						
<u>Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water</u>	<Date to be inserted> 2014	<Date to be inserted>	<Date to be inserted>						
Table of contents [on page viii]	Update page numbers.								
section 1.4	<p>Proposed Plan Change 6A...</p> <p><u>Proposed Plan Change 3C (Waiwera catchment minimum flow) was notified on ... to introduce a minimum flow and allocation regime with monitoring site for the Waiwera catchment.. A total of ... submissions and ... further submissions were received. Following the hearing, decisions on submissions received were released on Plan Change 3C was made operative on</u></p> <p>...</p>								
Map numbers (section B)	Update and rationalise numbering of section B maps and index, as necessary, as introduced through Proposed Plan Change 3B (Pomahaka catchment minimum flow).								

Map 1. Interim Catchment Map for Waiwera catchment

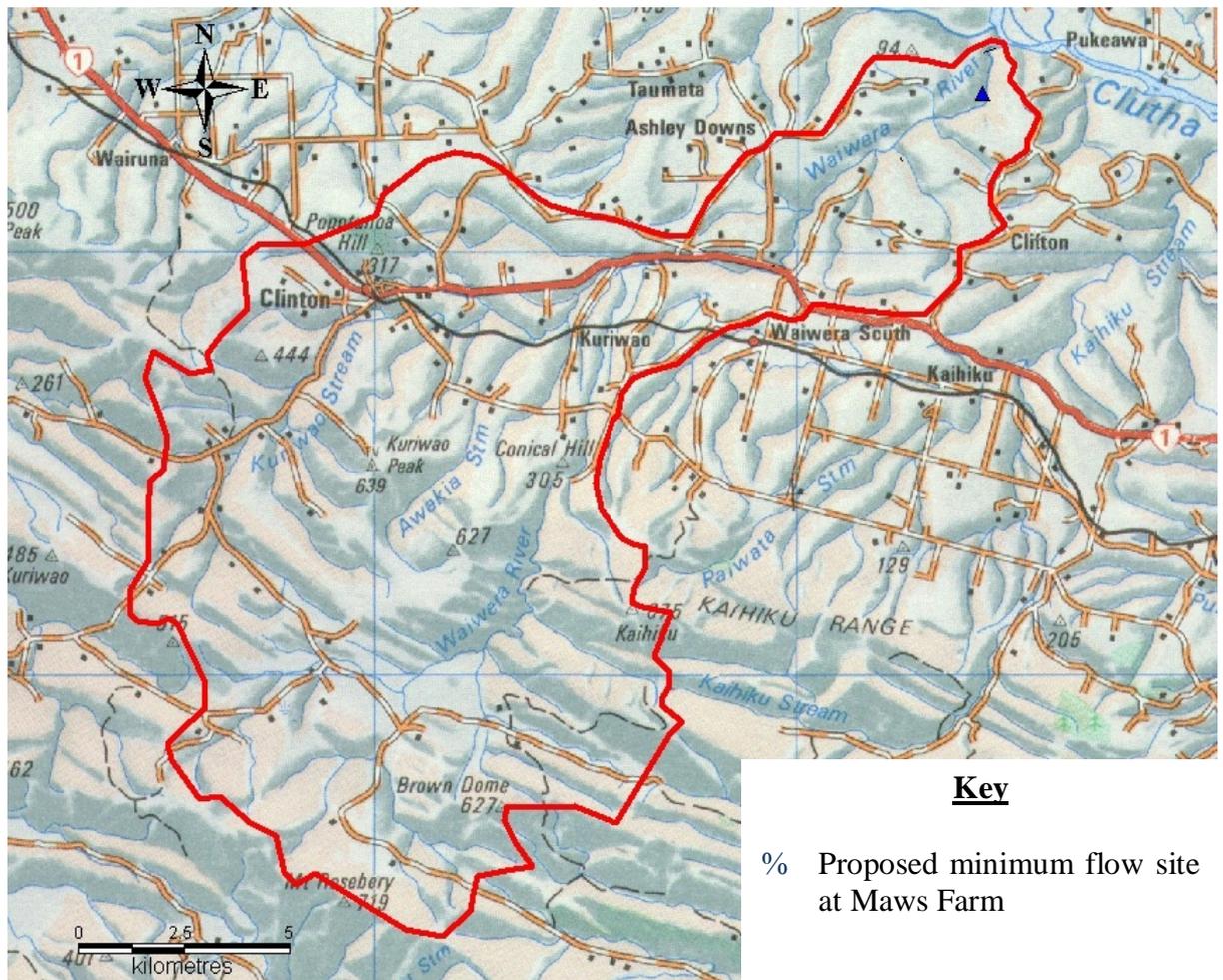


Figure 1. Waiwera catchment and proposed minimum flow site at Maws Farm.

Appendix 2

CONSULTATION DRAFT Section 32 Evaluation Report

Proposed Plan Change 3C
(Waiwera catchment minimum flow)

Regional Plan: Water for Otago

*This Section 32 Report should be read in conjunction with the Consultation draft of
Proposed Plan Change 3C (Waiwera catchment minimum flow)
to the Regional Plan: Water for Otago.*

Table of Contents

1	Introduction	1
2	Background.....	1
2.1	The NPS for Freshwater Management 2014	1
2.2	Waiwera catchment flows and current allocation.....	1
2.3	Waiwera catchment values	2
3	Options overview	4
3.1	Irrigation season take management options.....	4
3.1.1	Analysis of options	5
3.2	Winter season take management options	7
3.2.1	Analysis of options	7
3.3	Supplementary allocation management options	8
3.3.1	Analysis of options	8
4	Preferred option: Maintaining native fish and brown trout while enabling economic wellbeing	9
4.1	Detailed assessment	9
4.2	Summary of evaluation.....	12
5	Consultation.....	12
6	Conclusion.....	12
7	Supporting information and references.....	13
	Appendix A	14

Abbreviations used in this report

MALF	Mean annual low flow
NPSFM	National Policy Statement for Freshwater Management 2014
ORC	Otago Regional Council
Proposed Plan Change 3C	Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago
RMA	Resource Management Act 1991
Water Plan	Regional Plan: Water for Otago (updated to 1 May 2014)

1 Introduction

Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago (Water Plan) seeks to improve the management of the Waiwera catchment by identifying allocation limit and minimum flow regimes for both primary and supplementary allocation for the river.

The Waiwera catchment has reliable rainfall and a low irrigation demand but, if climate or land use change, there may be increased demand for irrigation water which, without management, may put pressure on aquatic ecosystems, natural character and other instream values. The river is highly valued by the community.

Section 32 of the RMA requires an evaluation of the realistically practicable options, assessing their effectiveness and efficiency and summarising the reasons for deciding on the proposed provisions. This report makes that assessment, and should be read in conjunction with the proposed plan change.

2 Background

2.1 The NPS for Freshwater Management 2014

The National Policy Statement for Freshwater Management 2014 (NPSFM) requires the Otago Regional Council (ORC) to prevent the over-allocation of water resources, by establishing environmental levels for freshwater sources in the region and ensuring the objectives within Otago's Water Plan give effect to the NPSFM objectives.

The Water Plan was made operative on 1 January 2004. Its objectives give effect to the NPSFM by recognising the need to enable water use by Otago's communities and industries, while maintaining long-term water flows and levels in the region's water bodies. The Plan achieves this by establishing primary allocation limits, supplementary blocks for surface water and aquifer maximum allocation limits for groundwater resources; with appropriate minimum flows and aquifer restriction levels.

Catchments with primary allocation limit and minimum flow regimes are listed in Schedule 2A, with any supplementary take limits specified in Schedule 2B.

As the proposed plan change is intended to extend existing minimum flow arrangements to include the Waiwera catchment, there will not be any evaluation of this Water Plan framework. This Section 32 evaluation reflects the implications of the plan change and evaluates the environmental, economic, social and cultural effects of the regime as applied to the Waiwera catchment.

2.2 Waiwera catchment flows and current allocation

The Waiwera River catchment is located in Southwest Otago. It has a relatively high reliable rainfall, with low dependence on irrigation. A recently-installed flow recorder at Maws Farm, 1400 m upstream from the confluence with the Clutha River is providing reliable flow measurements. These have been correlated with a long-term flow record from the adjacent Waipahi River catchment, to calculate reliable statistics such as the mean annual low flow

(MALF) of the river. MALF has been calculated as 310 l/s. Thus the default primary allocation limit has been set at 155 l/s for some time.

As at October 2014, 148.7 l/s is allocated from the Waiwera catchment as primary allocation to surface water take consent holders which is 48% of MALF. There is no indication that this level of allocation is causing adverse impacts on instream values. Currently, the Waiwera River is very slightly under-allocated in terms of Policy 6.4.2 of the Water Plan, with an additional 6.3 l/s of primary allocation still available. Table 1 provides an overview of consented water takes within the Waiwera catchment.

Jowett and Hayes (2004) recommend that for rivers with greater than 30% of MALF allocated, more in-depth consideration is needed for the minimum flow.

Table 1 Consented water takes within the Waiwera catchment, as at September 2014

Water take	No of consents	Combined instantaneous take rate (l/s)	Purpose	Water source
Primary surface water permit	5	148.7	Irrigation, stock water, dairy shed supply, storage	Waiwera River, Kuriwao Stream
Supplementary surface water permits	2	100 l/s + 885,000 m ³ /yr	Irrigation	Waiwera River, unnamed tributary of Waiwera River
Retake	1	80	Irrigation	Unnamed tributary of Waiwera River

2.3 Waiwera catchment values

Over recent years the ORC called three public workshops to identify the catchment values held by its community and by visitors. These values are described below. In addition, technical reports for this catchment have provided input to the process. The reports identify management flows to maintain habitat for adult brown trout and a number of other fish species.

The flow requirements for fish species and historic restriction levels from a dry year within the catchment were presented at community workshops in 2010. The workshops built further on this information and allowed the community to identify a number of values important to them.

The main community values identified were:

- Ecosystem values, including habitat for native fish including galaxiids and longfin eels;
- Agricultural out-of-stream uses for stock drinking water and dairy shed supply;
- The significant presence of trout for anglers;
- Cultural values;
- Recreational use, including angling;
- Amenity values;
- Irrigation for agricultural and horticultural purposes.

The Waiwera River is recognised in Schedule 1A of the Water Plan as providing significant habitat for the galaxiids, high invertebrate diversity, eels and rare fish habitat. This Schedule also recognises significant presence of trout, significant trout and salmon spawning areas, and areas for development of juvenile trout and salmon.

New Zealand Freshwater Fish Database records indicate that at least five native fish species, brown trout and koura have been collected from the Waiwera catchment. Of these, longfin eel and koura are listed as “Declining” and the galaxiids present may be “Nationally vulnerable”.

A technique known as instream flow incremental methodology (IFIM) analysis has determined flow requirements for a number of fish species found within the Waiwera catchment. Table 2 outlines these flow requirements at the Maws Farm flow monitoring site.

Table 2 Flow requirements for fish species at Maws Farm flow monitoring site.

Fish Species	Optimum Flow (l/s)	Flow below which habitat declines (l/s)
Upland bully	100	50
Common bully	800	150
Longfin eel	100	100
Galaxias sp.	300	100
Adult brown trout	3,000	1,300
Yearling brown trout	1,800	400
Brown trout fry	1,000	400

The optimum flow and flow at which habitat declines sharply for adult brown trout, brown trout yearling and fry are above MALF. Therefore the natural low flows of the Waiwera River are restricting habitat for brown trout.

Table 3 gives the results of IFIM modelling on the habitat requirements for trout and longfin eel. A flow of 275 l/s provides both adult trout and longfin eel with 90% of the habitat they require at MALF.

Table 3 Flow requirements for trout and longfin eel habitat.

Percentage of MALF habitat retention	Habitat (WUA m²/m)	Flow (l/s)
90% brown trout adult	1.125	275
80% brown trout adult	1.000	252
70% brown trout adult	0.875	230
90% longfin eel (<300 mm)	1.125	275
80% longfin eel (<300 mm)	1.000	75
70% longfin eel (<300 mm)	0.875	0

Out-of-stream uses

In recent years the Waiwera River and its tributaries have become increasingly important in supporting the local agricultural sector, with four out of the five existing primary allocation consents being granted for irrigation in the last two years. Agricultural out-of stream uses include for irrigation of pasture and crops, stock drinking water and dairy shed supply. It is estimated that surface water taken from the catchment is currently used to irrigate an area estimated to be between 800-1,000 ha.

Option 2 proposes to set a minimum flow of 260 l/s (from 1 October to 30 April, for primary allocation) and a primary allocation limit of 150 l/s.

OPTION 3: Easier economic development

Option 3 proposes to set a minimum flow lower than 260 l/s (from 1 October to 30 April, for primary allocation) and a higher primary allocation limit than 150 l/s.

OPTION 4: More natural river flows

Option 4 proposes to set a minimum flow higher than 260 l/s (from 1 October to 30 April, for primary allocation) and a lower primary allocation limit than 150 l/s.

Note that if those who have primary allocation status consents have been allocated more water than the primary allocation limit established by this plan change, there is no single policy in the Water Plan to remove that status. In many Otago catchments, primary allocation exceeds the primary allocation limit set by the Plan, but holders of those consents may continue to benefit from that primary allocation status.

3.1.1 Analysis of options

Option 1	Maintain the status quo
BENEFITS:	<ul style="list-style-type: none"> No plan change required. Small amount of water remains available as primary allocation, allowing for increased irrigation opportunity.
COSTS/RISKS:	<ul style="list-style-type: none"> Administrative inefficiencies through assessment to impose individual minimum flows or residual flows on a case-by-case basis with every application to take water, resulting in increased consent processing costs for applicants. No encouragement for collaboration among those taking water when there is no whole-catchment minimum flow in place. Default primary allocation limit (155 l/s) allows a little more water to be taken as primary allocation, without specific investigation of its sustainability. Any increased taking will lead to low flows being reached more quickly and frequently. This can lead to the river staying at low flows for lengthy periods while all available water is taken. Aquatic ecosystem, natural character, recreational, cultural and amenity values remain at risk as a result of continued water taking during low flow periods.
Option 2	Adopt a suggested primary allocation limit and minimum flow regime for the aquatic ecosystem and natural character
BENEFITS:	<ul style="list-style-type: none"> Little change in certainty and reliability of supply to current consent holders. Existing primary allocation consent holders taking water with a minimum flow consent condition will enjoy higher reliability and access to water. Reasonable economic well-being based on taking water continues to be

enabled, with potential for employment in industries based on water takes.

- Reasonable level of maintenance of aquatic ecosystem, cultural, recreational, amenity and natural character values.
- Reduced potential for the river flow to reach and remain at low flows due to water being taken.
- All existing primary allocation consent holders retain primary allocation status.

- COSTS/RISKS:**
- Constraints on taking water in a dry year may require some investment in water storage. However, some consent holders currently have environmental flow conditions above the proposed minimum on their consent and have made appropriate provision for water storage.
 - Slightly fewer economic opportunities for new takers.
 - Some need to reduce current allocation to the primary allocation limit (which happens over time through attrition) before any further allocation to primary can be anticipated.
 - For consent renewal, primary allocation consent holders will be limited to no more water than they have historically taken (Policy 6.4.2A).
 - Plan change required.
-

Option 3 **Easier economic development**

- BENEFITS:**
- Economic opportunities based on taking water enhanced, with potential for employment in industries based on water takes or supporting industries; new employment opportunities provided to new takers.
 - Existing primary allocation consent holders taking water with a minimum flow consent condition will enjoy higher reliability and access to water.
 - Reduced need for investment in water storage.
 - Further allocation to primary status taking can be considered.
 - All existing primary allocation consent holders retain primary allocation status.
 - Primary allocation consent holders can apply, upon consent renewal, for more water than they have historically taken (Policy 6.4.2A).

- COSTS/RISKS:**
- Lower level of maintenance of aquatic ecosystem, cultural, recreational, amenity and natural character values.
 - Reduction in economic opportunities to current consent holders, from lower certainty and reliability of supply, as more new primary consents could be granted, and more rationing would be required during low river flows.
 - Increases potential for the river flow to reach and remain at the low minimum flow for lengthy periods.
 - Plan change required.
-

Option 4 **More natural river flows**

- BENEFITS:**
- Greater reduction in the potential for “flat-lining” of the river flow.
 - Higher level of maintenance of aquatic ecosystem, cultural, recreational, amenity and natural character values.
 - Increase in certainty and reliability of supply to current consent holders as fewer new primary consents granted.
 - All existing primary allocation consent holders retain primary allocation status.
- COSTS/RISKS:**
- Economic opportunities based on taking water constrained, with potential for no growth in, or reduction in, employment in industries based on water takes; fewer economic opportunities for new takers.
 - Increased constraints on taking water in a dry year requiring significant investment in water storage.
 - Reduces the amount of water available for out-of-stream uses during low flow periods.
 - Greater need to reduce current allocation to the primary allocation limit, before any further allocation to primary can be anticipated.
 - For consent renewal, primary allocation consent holders will be limited to no more water than they have historically taken (Policy 6.4.2A).
 - Plan change required.
-

3.2 Winter season take management options

The following two options are considered in developing a primary allocation minimum flow regime for the values of the Waiwera River over the winter period. These options are briefly:

OPTION 1: Maintain the status quo

Option 1 describes the current situation. This option relies on “default” provisions in the Water Plan: no catchment-wide minimum flow; connected groundwater beyond 100 m from perennial surface water body excluded from take calculations.

OPTION 2: Adopt a suggested primary minimum flow for winter to provide for brown trout spawning and recruitment

Option 2 proposes to set a minimum flow of 400 l/s (from 1 May to 30 September, for primary allocation). Any takes of connected groundwater that can be considered surface water are included, which allows for greater accuracy of the effects of taking.

3.2.1 Analysis of options

Option 1 **Maintain the status quo**

- BENEFITS:**
- No plan change required.
- COSTS/RISKS:**
- Administrative inefficiencies through assessment to impose individual minimum flows or residual flows on a case-by-case basis with every application to take water, resulting in increased consent processing costs for applicants.
 - No encouragement for collaboration among those taking water when there is no whole-catchment minimum flow in place.
-

- No certainty for maintaining aquatic ecosystem, cultural, amenity and natural character values when there is no environmental bottom-line set.
- Minimum flow on some consents could allow taking that degrades habitat for brown trout spawning and recruitment.

Option 2	Adopt a suggested primary minimum flow for winter to provide for spawning requirements of the brown trout fishery
-----------------	--

- | | |
|---------------------|---|
| BENEFITS: | <ul style="list-style-type: none"> • Little change in certainty and reliability of supply to current consent holders. • Retention of economic opportunities based on taking water, with potential for employment in industries based on water takes. • Maintenance of aquatic ecosystem, cultural, amenity and natural character values. • Near-optimum conditions maintained for brown trout spawning. |
| COSTS/RISKS: | <ul style="list-style-type: none"> • A single minimum flow throughout the year for primary allocation takes would provide ease in administration but no environmental benefits. • Plan change required. |
-

3.3 Supplementary allocation management options

The following two options are considered in developing a year-round supplementary allocation block and minimum flow regime in the Waiwera River. One is the status quo, the other is a suggested supplementary allocation block with an associated minimum flow. These options are briefly:

OPTION 1: Maintain the status quo

Option 1 describes the current situation. This option relies on the “default” minimum flow provisions in Policy 6.4.9(a) of the Water Plan if water is applied for in excess of the primary allocation limit.

OPTION 2: Establish a minimum flow for supplementary allocation of 500 l/s with a block size of 100 l/s

Option 2 proposes to set a supplementary minimum flow of 500 l/s (all year) for the first block of supplementary allocation. Any takes of connected groundwater that can be considered surface water are included, which allows for greater accuracy of the effects of taking.

3.3.1 Analysis of options

Option 1	Maintain the status quo: use of default minimum flow under Policy 6.4.9(a)
-----------------	---

- | | |
|---------------------|---|
| BENEFITS: | <ul style="list-style-type: none"> • No plan change required. |
| COSTS/RISKS: | <ul style="list-style-type: none"> • Any minimum flow calculated on a case-by-case basis for applications to take supplementary water would result in increased consent processing costs for applicants, and possible litigation. • In a catchment not over-allocated, the default supplementary allocation |
-

and minimum flow arrangements in Water Plan Policy 6.4.9(a) provide an inequitable minimum flow, which can cause competition between primary and supplementary allocation takers and is contrary to the logical implementation of the Plan's framework.

- This would create administrative difficulty and costs if current consent holders relinquish their primary allocation in favour of supplementary allocation.

Option 2 **Establish a minimum flow for supplementary allocation of 500 l/s with a block size of 100 l/s**

- BENEFITS:**
- Reasonable economic opportunities based on taking water remain, with potential for employment in industries based on water takes.
 - Maintenance of natural flow variability and the aquatic ecosystem and natural character values supported by that variability.
 - Flow requirements of native fish are not reduced by supplementary allocation takes.
- COSTS/RISKS:**
- Constraints on new takes of water in a dry year require investment in water storage to supply all irrigation needs.
 - New takes may have no water availability for 0.93% of a typical year (34 days, usually in the irrigation season).
 - Plan change required.
-

4 Preferred option: Maintaining native fish and brown trout while enabling economic wellbeing

The following regime is recommended to provide for the habitat of the s brown trout population, while enabling an appropriate level of access to water for economic uses.

Minimum flow monitoring site	Maws Farm
Primary minimum flows	260 l/s (1 October to 30 April) 400 l/s (1 May to 30 September)
Primary allocation limit	150 l/s
Supplementary minimum flow (Block 1)	500 l/s
Supplementary allocation (all blocks)	100 l/s
Supplementary minimum flow (Block 2)	600 l/s

4.1 Detailed assessment

Primary minimum flow

The irrigation season minimum flow of 260 l/s proposed will ensure a little over 80% habitat retention for adult brown trout and longfin eels. Overall, the proposed irrigation season

minimum flow will maintain the life-supporting capacity for aquatic ecosystem and natural character in the Waiwera catchment from taking when the river is naturally flowing low. It is likely it will support the various recreational values and protect the mahika kai and other cultural values associated with the Waiwera River. The irrigation season minimum flow is well below the flows required for adult brown trout habitat however the natural low flows of the river are severely restricting available habitat.

The minimum flow of 260 l/s will provide a high (93%) surety of supply to current primary allocation consent holders. Future consent holders will have a reasonable surety of supply.

Historical records from the previous 18 years indicate six years where consent holders would have full restriction days. Apart from one very dry period in the 2012/13 irrigation season, when full restriction would have applied for a 34 continuous day period, there were no longer than 8 consecutive days (see Table 4 below).

A minimum flow set higher than the catchment's MALF of 310 l/s would be unlikely to be exceeded naturally throughout most of the irrigation season. There would be no significant difference in available habitat by setting the minimum flow at MALF instead of 260 l/s. However, such a minimum flow would be extremely restrictive to consent holders while having insignificant environmental benefit and is thus not considered to provide sustainable management of the water resource.

The winter minimum flow of 400 l/s is set at the flow at which habitat declines sharply for brown trout yearling and fry. Available water during this period will provide a reasonable surety of supply to consent holders during the winter period.

Primary allocation limit and the effects of its associated minimum flows on taking

If primary allocation is greater than 150 l/s the river could reach the minimum flow more quickly and frequently. This will impact on aquatic ecosystems and other instream values, including recreational and amenity values. The suggested primary allocation limit will provide a reasonable reliability of supply to current consent holders.

Tables 4 and 5 show the effect of the proposed minimum flows over the period of record since 1996, assuming that the actual take from the catchment had been 150 l/s. The columns "Number of days for rationing" indicate on how many days there was less than an allocated 150 l/s available above the minimum flow, and thus rationing would have been required.

Where primary allocation exceeds the proposed limit of 150 l/s, and taking reflects the greater allocation, river flows would be reduced and so the number of days without full availability would be greater than the figures in these tables and in Appendix A. Appendix A draws on 18 years of hydrograph records (synthetic and observed), to show historic water availability.

The table columns "Number of days no water is available" indicate the number of days where flows were less than the minimum flows of 260 l/s (Oct-Apr) or 400 l/s (May-Sept), so that no water would have been available for taking. The columns of "Greatest number of continuous days" show for how long the longest stretch of no water availability lasted throughout a year in the period 1996 to the present.

Table 4 The effect of the proposed minimum flow and allocation limit on historic water availability in the Waiwera River (Oct-Apr, minimum flow of 260 l/s)

	Number of days for rationing (Oct-Apr)	Number of days no water is available (Oct-Apr)	Greatest number of continuous days when no water available (Oct-Apr)
Average	16.2	4.3	2.8
Minimum	0	0	0
Maximum	47	51	34

Table 5 The effect of the proposed minimum flow and allocation limit on historic water availability in the Waiwera River (May-Sept, minimum flow of 400 l/s)

	Number of days for rationing (May-Sept)	Number of days no water is available (May-Sept)	Greatest number of continuous days when no water available (May-Sept)
Average	1.1	0.1	0.1
Minimum	0	0	0
Maximum	7	2	2

As can be seen in Table 4, under a Maws Farm minimum flow of 260 l/s and 150 l/s being taken, water rationing would be required for 16.2 days in an average irrigation season, and 4.3 days when no water would be available at all to consented takes. Since records began, the greatest number of irrigation season days when takes may have needed rationing was 47 in 1998/99. In 2012/13 no water would have been available for 51 days in total as the flow was below this minimum flow. These data are presented in Appendix A attached, which shows that the longest *continuous* period with no water would have been in that 2012/13 season with no water available for taking under consents for 34 of those 51 days. The next longest continuous periods would have been 8 days in 2007/08, then 5 days in the 2003/04 irrigation season. In those 18 years the average continuous length of days with no water is estimated to have been 2.8 days.

Appendix A also shows the number of days in past irrigation seasons when rationing would have been necessary and there was water available, assuming no more than 150 l/s is taken in total.

Table 5 summarises the situation outside the irrigation season, if a minimum flow of 400 l/s had been applied during the period of record. In an average winter, less than 1.2 days of low (or no) water availability occur in that period for primary allocation, and in the driest winter on record (2003) there would have been two days with no water available to consented takes.

A single minimum flow across the catchment applying to all those in primary allocation provides the opportunity for collaboration within a water allocation committee. This arrangement can assist in rationing, which is intended to avoid a minimum flow being reached. Rationing in a collaborative arrangement can take into consideration unique requirements for water by, for example a small seasonal crop. The ORC may instigate its own rationing regime if a catchment-wide water allocation committee is not set up (Policies 6.4.12B - 6.4.13)

Supplementary regime

A supplementary allocation block size of 100 l/s is proposed. The associated minimum flow gives a reasonable surety of access to water for future consent holders, who will need to store

taken water to ensure a guaranteed supply. It is adequate to ensure supplementary taking does not impact on the adult brown trout fishery.

This form of allocation helps protect availability of water for primary allocation consent holders while the system of subsequent blocks ensures 50:50 flow-sharing between supplementary takes and the river. It is intended to reflect the community concerns, and will leave more water in the river than the quantity that can be taken under supplementary status consents.

Socio-economic impact

It is considered that employment opportunities and other economic measures for activities based on taking water are provided for adequately by the preferred options. Those relying on existing consents will continue to have access to water where the water is used efficiently, and new developments will be able to take into consideration effects on the wider catchment values.

Those consent holders with a minimum flow condition will experience a higher access to the resource and surety of supply. Some consent holders in the catchment have already committed to storage and efficiency and will have no reduction in surety of supply during an average year.

4.2 Summary of evaluation

The recommended regime is seen as the most effective and efficient option as it:

- Provides further water for future users as supplementary allocation;
- Will have minimal adverse effects on instream values and will avoid further degradation;
- Maintains the instream values as far as practicable in a dry year;
- Avoids the loss of natural flow variability, avoiding “flat-lining”;
- Provides a very high surety of supply to primary allocation consent holders;
- Provides a reasonable surety of supply to new consent holders;
- Provides for recreational and amenity values.

It is considered that the proposed changes to the Water Plan will promote sustainable management of taking water within the Waiwera catchment.

5 Consultation

Three community workshops were held to identify community values for the catchment, consider options and assess the effects of the options. Workshops were held in Clinton, hosted by the ORC, on 20 April 2010 (15 attendees), 21 November 2010 (10 attendees), and 6 May 2014 (22 attendees).

6 Conclusion

The purpose of the RMA is to promote the sustainable management of natural and physical resources. It is considered that Proposed Plan Change 3C (Waiwera catchment minimum

flow) enables the ORC to better manage the water resources of the Waiwera catchment, now and for the future, with particular focus on the native fish, natural character and the brown trout spawning and juvenile rearing, while enabling water taking for economic development.

7 Supporting information and references

National Policy Statement on Freshwater Management 2014

Resource Management Act 1991

ORC Regional Plan: Water for Otago (updated to 1 May 2014)

ORC Reports to committee or Council:

2014/1545: Consultation Draft Proposed Plan Change 3C (Waiwera minimum flow)

ORC Technical Reports:

- *Management Flows for Aquatic Ecosystems in the Waiwera River*, August 2006
- *The Water Resources of the Pomahaka and Waiwera Rivers*, June 2007

Other reference material:

Jowett, I., 2009: Instream habitat and minimum flow requirements in the middle and lower Oreti River. Prepared for Environment Southland, Ian Jowett Consulting, Client Report IJ0903.

Jowett, I & Hayes, J., 2004: Review of methods for setting water quantity conditions in the Environment Southland draft Regional Water Plan. Prepared for Environment Southland, NIWA Client Report HAM2004-018.

NIWA, 2009: Angler usage of lake and river fisheries managed by Fish and Game New Zealand: results from the 2007/08 National Angling Survey

ORC Waiwera catchment information sheet, November 2010

ORC Waiwera community workshop notes, 2010

ORC Waiwera catchment information sheet, May 2014

ORC Waiwera community workshop notes and feedback forms, May 2014

Appendix A

Waiwera catchment:

Analysis of hydrograph showing historic water availability

Irrigation season	No. days rationing (260 – 410 l/s)	No. days of no water (260 l/s)	Max continuous days of no water (260 l/s)
1996/97	20	0	0
1997/98	0	0	0
1998/99	48	3	1
1999/00	14	0	0
2000/01	10	0	0
2001/02	0	0	0
2002/03	34	0	0
2003/04	29	9	5
2004/05	0	0	0
2005/06	0	0	0
2006/07	2	0	0
2007/08	44	11	8
2008/09	19	2	2
2009/10	0	0	0
2010/11	25	1	1
2011/12	27	0	0
2012/13	16	51	34
2013/14	24	0	0
Average	17.3	4.3	2.8
Minimum	0	0	0
Maximum	48	51	34

REPORT

Document Id: A674550

Report Number: 2014/1445
 Prepared For: Policy Committee
 Prepared By: Director Policy, Planning and Resource Management
 Date: 26 September 2014

Subject: **Director's Report on Progress**

1. Policy Responses

1.1 Responses – National Policies, Strategies and Plans

The following response was made over the five week period:

Document	Response Type	Details
Draft New Zealand Marine Oil Spill Response Strategy 2014 (Maritime NZ)	Submission - Support	Support development of updated strategy post MV Rena incident. Requested some more detail is given in the Strategy as to funding provisions for costs related to storage and maintenance of response equipment.

1.2 Responses - Territorial Authority and Regional Authority Plan Changes and Resource Consent Applications

In the five weeks ending 26 September 2014, the following were received:

Document	Number Received	Agency
Consent applications	1	Queenstown Lakes District Council
Plan Change (#50: Town Centre Zone)	1	Queenstown Lakes District Council
Consent applications	3	Dunedin City Council
Proposed Regional Air Plan	1	Environment Southland

No responses were made over the period.

2. Resource Management Act: Policy Plans and Strategies

A separate report is presented on consultation for the review of the Regional Policy Statement.

3. Transport Policy

Councillors should be aware that business planning for Queenstown/Frankton area is, once again, highlighting the need to substantially increase usage of public transport in this area. Queenstown Lakes District Council recently decided to put measures in place to manage how people travel – the travel modes they use – to improve access to the Queenstown town centre, while at the same time deferring the need for road construction. QLDC has deferred until 2031, construction of the first stage of a new Queenstown ‘Inner Links’ arterial (a Melbourne-Henry Street link) provided that 20 percent of future traffic volumes predicted under the ‘do-minimum’ option can be diverted to public transport, walking and cycling.

The working party is studying how to achieve this large mode shift. There are some doubts over whether a bus-based system would be adequate, given the projected rate of growth: the number of visitors to Queenstown is expected to double within ten years.

Council is involved in development of the Queenstown Town Centre and Frankton Flats business cases. These business cases, when completed early next year, will replace the current Wakatipu Transportation Strategy, which the district council, Transit (now NZ Transport Agency) and Council prepared in 2007. Public transport is also the central plank of that strategy, leading Council to fund the expansion of the local bus service to residential areas (2010/11 to 2012/2013) and the installation of electronic ticketing. ORC’s initiative enhanced services for local residents, but did not increase the share of travel that public transport carries along SH6A in the peak periods.

4. Recommendation

That this report is noted.

Fraser McRae

Director Policy Planning and Resource Management

OTAGO REGIONAL COUNCIL**Agenda for a meeting of the Regulatory Committee to be held in the
Council Chamber, 70 Stafford Street, Dunedin on Wednesday
15 October 2014 following the Policy Committee meeting**

Membership:

Cr Sam Neill (Chairperson)
Cr Gerrard Eckhoff (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gary Kelliher
Cr Trevor Kempton
Cr Gretchen Robertson
Cr Bryan Scott
Cr David Shepherd
Cr Stephen Woodhead

Apologies: **Cr Doug Brown**

Leave of Absence:

In attendance:

**Please note that there is an embargo on agenda items until 8.30 am on Monday
13 October.**

CONFIRMATION OF AGENDA**PUBLIC FORUM****MINUTES**

The minutes of the meeting held on 4 September 2014, having been
circulated, for adoption

Matters arising from minutes

ITEMS FOR NOTING

Item 1

2014/1420 **Biosecurity and RMA Monitoring Report.** DEMO, 15/9/14

Reporting on water, air, pest, and contaminated site environmental monitoring and incidents for the period 25 July to 5 September 2014.

Item 2

2014/1544 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 3/10/14

Detailing consent processing, consent administration and building control authority activity for the period 15 August to 26 September 2014.

Item 3

2014/1454 **RMA, Biosecurity Act and Building Act Enforcement Activities.**
DPPRM, 25/9/14

Detailing Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period 13 August to 25 September 2014.

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Regulatory Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Thursday 4 September 2014 commencing at 10.43 am

Present:

- Cr Sam Neill (Chairperson)
- Cr Gerrard Eckhoff (Deputy Chairperson)
- Cr Doug Brown
- Cr Louise Croot MNZM
- Cr Gary Kelliher
- Cr Trevor Kempton
- Cr Gretchen Robertson
- Cr Bryan Scott
- Cr David Shepherd
- Cr Stephen Woodhead

Apologies:

- Cr Graeme Bell
- Cr Michael Deaker

The apologies were noted.

In attendance:

- Peter Bodeker
- Wayne Scott
- Jeff Donaldson
- Jane Leahy
- Fraser McRae
- Gavin Palmer
- Sean leslie (for Item 1)
- Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 24 July 2014, having been circulated, were adopted on the motion of Crs Eckhoff and Kempton.

Matters arising from minutes

There were no matters arising from the minutes.

PART A - RECOMMENDATIONS

Item 1

2014/1196 **Septic Tank Investigation.** DEMO, 14/8/14

The report explored the density, distribution, and risk of groundwater contamination by septic tanks in the Otago Region using a GIS-based approach, and by applying the DRASTIC model (**D**epth to groundwater, **R**echarge rate, **A**quifer type, **S**oil type, **T**opography, **I**mpact of the vadose zone, **C**onductivity of the aquifer). Potential problems with enforcement policies were also briefly examined. The full technical report was circulated separately with the agenda.

Cr Woodhead considered that Council was not yet at the point of adopting Recommendations 2 (That a prioritized approach based on DRASTIC risk modelling and septic tank density modelling be adopted) and 3 (That the Otago Regional Council adopt a plan change covering septic tanks using Plan Change 6A).

Mr McRae commented that it was necessary to establish the status of septic tanks throughout Otago, then consider how to address this issue in the water plan. Currently septic tanks were a permitted activity, however existing use rights would apply for six months from introduction of new rules, after that all owners of properties with septic tanks would have to apply for a consent. He also noted that the quality of discharge was linked to Plan Change 6A.

In response to a question Mr Bodeker advised that he was in the process of obtaining advice on the maintenance of septic tanks. Whether an enforcement inspection regime needed to be considered would be part of Annual or Long Term Plan discussions.

Mr Leslie advised in response to a question that currently the database could not differentiate between the types of septic tanks, but information had now been obtained about septic tanks that had been purchased, installed, modified or removed since 1998 that might be able to provide that differentiation. He commented that new septic tanks were not necessarily better than the old.

Comment was made that the report indicated where Council's efforts should be concentrated, and noted the need to tighten the relevant permitted activity rule in the Water Plan.

Cr Woodhead suggested that Recommendation 3 be amended to read "That the Otago Regional Council develop ~~adopt~~ a plan change covering septic tanks, using ~~Plan Change 6A~~ and the information contained in the attached." Cr Neill supported this amendment.

A query was raised as to how applicable the DRASTIC model was in New Zealand. Mr Bodeker pointed out that the model was only one tool,

and others should be considered. There was agreement that Recommendation 2 be deleted.

Cr Woodhead moved
Cr Croot seconded

1. *That the Septic Tank Report be noted.*
2. *That the Otago Regional Council develop a plan change covering septic tanks, based on the information contained in the attached.*

Motion carried

PART B - ITEMS FOR NOTING

Item 2

2014/0847 **Summary of Dairy Farm Inspections for 2013/14.** DEMO, 6/8/14

The report described the findings of the 2013/14 annual inspections of dairy farms in the Otago Region.

In response to a question about potential effects from discharges, Mr McRae explained that the Water Plan set up a regime where landholders were permitted to carry out certain activities subject to conditions designed to address potential effects. Landholders could be prosecuted for breaching a rule, and Mr Bodeker further explained that enforcement was different depending on whether a breach had occurred, as there was a different degree of impact.

Councillors were pleased to see proposed changes to the dairy inspection regime which would result in a shift from the annual dairy inspection for every farm to a risk management approach.

Cr Woodhead moved
Cr Scott seconded

That the report be noted.

Motion carried

Item 3

2014/1126 **Annual Compliance Summary 2013/14.** DEMO, 8/8/14

The report summarised the compliance activities and consent conditions for the 2013/14 year for all major consent holders and permitted activities.

In response to a question about flows from tile drains, Mr McRae noted that there was a control point where a drain flowed into a river, lake or wetland. If the discharge at that point did not comply with the permitted activity rule, the landholder had to take action. He commented landowners needed to address all discharges, regardless of size.

Attention was drawn to Figure 8 Discharge and Water Take Compliance Grading. Mr Donaldson advised that there were issues with failing infrastructure in both Queenstown and Dunedin City, and staff were working with DCC to identify locations of non compliance. Work on improvements to infrastructure was also under way with other district councils.

Ongoing problems with water meter installations were noted.

Cr Croot moved
Cr Kempton seconded

That the report be noted.

Motion carried

Item 4
2014/1110

Biosecurity and RMA Monitoring Report. DEMO, 22/8/14

The report details water, air, pest, and contaminated site environmental monitoring and incidents for the period 13 July to 25 July 2014.

In response to a question Mr Donaldson advised that the Hawea groundwater site information would be contained in the State of the Environment monitoring report which would be available on the Council's website

It was noted that 40 consent holders were yet to make a commitment to install water meters. Mr Donaldson advised that these were predominantly in Central Otago, in some cases relating to irrigation companies. Where one meter was put in place to serve three landholdings, the other consents could be surrendered

Cr Woodhead moved
Cr Shepherd seconded

That the report be noted.

Motion carried

Item 5
2014/1256 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 22/8/14

The report detailed consent processing, consent administration and building control authority activity for the period 1 July to 15 August 2014.

Cr Woodhead moved
Cr Robertson seconded

That the report be noted.

Motion carried

Item 6
2014/1160 **RMA, Biosecurity Act and Building Act Enforcement Activities.**
DPPRM, 12/8/14

The report detailed Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period 1 July to 12 August.

Cr Croot moved
Cr Scott seconded

That the report be noted.

Motion carried

Item 7
2014/1191 **Appointment of Hearing Commissioners August 2014.**
DPPRM, 14/8/14

The report listed hearing commissioners appointed for the period to 14 August 2014.

Cr Croot moved
Cr Scott seconded

That the report be noted.

Motion carried

The meeting closed at 11.30 am.

Chairperson

REPORT

Document Id: A673590

Report Number: 2014/1420

Prepared For: Regulatory Committee

Prepared By: Martin King, Manager Environmental Services
Scott Maclean, Manager Operations
Sarah Ibbotson, Manager Environmental Data and Planning

Date: 15 September 2014

Subject: **Biosecurity & RMA Monitoring Report for the period 25 July to 5 September 2014**

1. Water Quality and Quantity

1.1 Regional Plan: Water and Resource Consent Monitoring

1.1.1 Audit Monitoring

1.1.2 Water Metering

Water metering and recording installations have increased with the run up to the irrigation season and also in response to final warning notices and abatement notices being issued. 86% of consent holders over 20l/s have either installed water measuring or are making progress towards installation. Only 3% have still not made any progress towards installation, and are being followed up with by the enforcement team.

The deadline for water measuring installation for water permits allowing between 10-19.9l/s to be taken is 10 November 2014. Currently 41% of these permit holders have the required measuring and recording equipment installed, although some of these are yet to have the devices verified for accuracy. A final reminder is due to go out in early October.

1.2 State of Environment Monitoring

There have been no changes to the SOE monitoring programme. New projects are underway in relation to 6A and 1C.

2. Air Quality

2.1 State of the Environment Monitoring

All machines are still running. Some are set to be shut down in the first week of October for the summer period.

2.2 Clean Heat Clean Air project

The Cosy Homes project is now at the stage where the governance group is looking to form a trust which will cover the Otago region. The focus of the Trust is to improve the warmth not only through heating and insulation but through other energy efficiencies. The trust is also looking to establish a “one stop shop” format for the public to access

information and assistance. The DCC Mayor has now taken over the role of chair of the governance group.

3. Coast

3.1 Regional Plan: Coast and resource Consent Monitoring

There were no coastal inspections undertaken during this period.

4. Pest Management Strategy Implementation and Biosecurity Compliance

Post poison season Rabbit MAL inspection work is currently being planned on approximately 270 properties under management plans. The purpose of this work to assess compliance with the provisions in landholder's property plan to reduce rabbit numbers to MAL 3.

Staff have carried out inspection work for contorta in Central Otago. Some significant stands have been found in Hawea, Bannockburn and Alexandra. Further follow-up work to occur in the near future.

The Director attended the Wakatipu Wildings AGM. Guest speaker was Lou Sanson, Director General of DoC, who acknowledged that central government needed to fund removal of legacy plantings.

5. Operations

5.1 Contract Management

Rabbit operations have finished. TB contracts are underway in South East and Central Otago. Options for summer poisoning programmes are currently being explored.

5.2 Engineering Operations

River management programmes are on schedule and Willow management operations are about to commence.

6. Environmental Incident Response

6.1 Contaminated Sites

A presentation was delivered to the Otago triennial chief executives group on contaminated land information management. Consensus was reached among those present that there is value in further investigation into the development of systems and procedures for integrating contaminated land information within the Region.

6.1.1. Investigations

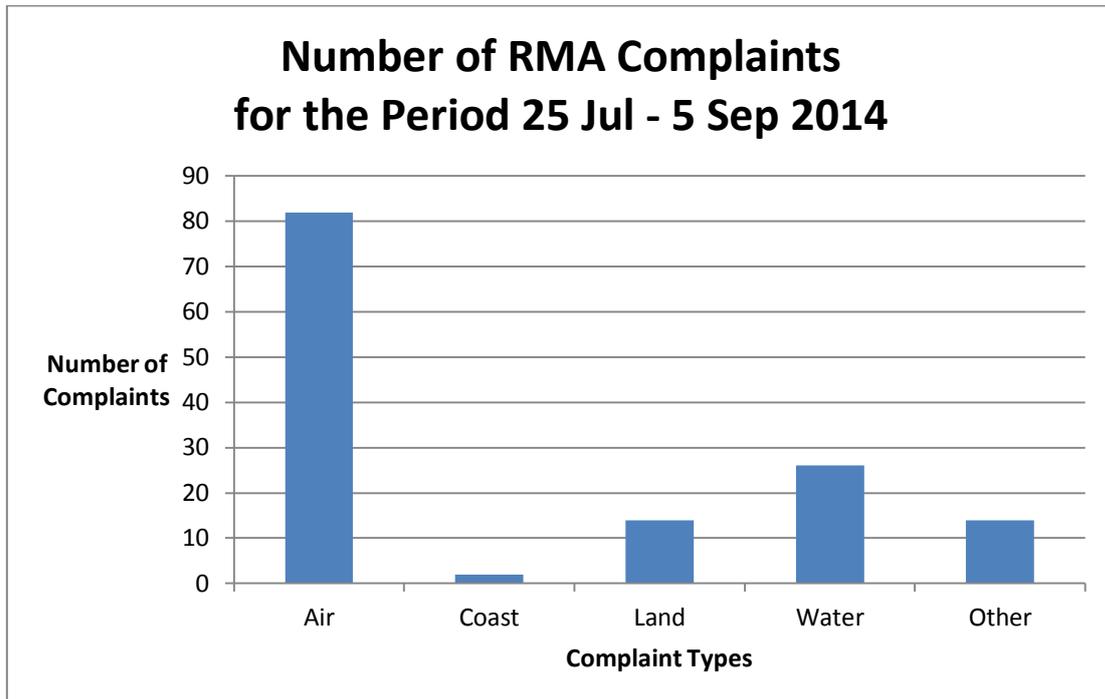
Four site investigation reports were received during the reporting period; all four sites, concentrations were confirmed as acceptable.

6.1.2 Other Actions

Twenty-six public enquiries regarding the contamination status or land-use history of specific properties were received.

6.2 Environmental Incidents

A total of 138 incidents were reported for this period. The following is a summary of the incidents received by activity type.



The majority of the air incidents can be attributed to outdoor burnings and domestic chimneys. Odour complaints were the second most prevalent form of air pollution. The coastal incidents were in regard to advertising on a Coastal Structure and Marine Pollution. The majority of land incidents were from contamination issues and depositions onto land. Concerns about fresh water pollution were the cause of the majority of water investigations. The other types of incidents were varied and included issues like pest plants and rubbish on private land.

The Director attended a Mass Rescue exercise with Police, Search and Rescue, Coastguard, and DCC. Theme: “Major Cruise Ship Fire”.

7. Recommendation

That this report be noted.

Jeff Donaldson

Director Environmental Monitoring and Operations

Summary of RMA Incident Complaints (General Location)

the six weeks from 25-Jul-14 to 05-Sep-14

General Location	Row Summary	AIR							COAST					LAND				WATER					OTHER		
		Backyard burning	Burning	Domestic chimneys	Dust	Industrial air discharge	Odour	Spray Drift	Coastal structures	Marine oil spill	Marine pollution	Reclamation	Removal	Deposit	Disturbance	Land contamination	Mining	Abstraction	Damming	Diversion	Fresh water pollution	Stormwater	Noise	Other	Staff performance
Catlins	3	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	
Central Otago	22	1	13	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	1	2	0	0	2	0
Clutha Plains	5	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	
Dn - Abbots/Green Is	3	0	0	2	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Dn - Coast North	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Dn - Coast South	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	
Dn - Inner City	21	2	0	8	0	4	2	0	0	0	0	0	1	0	0	0	0	0	0	3	0	0	1	0	
Dn - Mosgiel	8	1	6	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	
Dn - Otago Harbour	4	0	0	0	0	0	0	0	1	0	1	0	0	1	0	0	0	0	0	0	0	0	1	0	
Dn - Peninsula	6	0	1	0	0	0	3	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	
Dn - West Harbour	8	0	0	6	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
East Otago Uplands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Lakes	23	1	5	4	0	0	3	0	0	0	0	0	2	0	0	0	0	0	0	4	0	0	4	0	
Maniototo	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
North Otago	19	0	2	3	0	0	1	0	0	0	0	0	0	1	2	0	1	2	0	4	0	0	3	0	
Roxburgh	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	
South West Otago	9	0	1	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	5	0	0	1	0	
Strath	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Taieri Plains	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TOTALS	138	7	32	26	1	4	12	0	1	0	1	0	0	5	2	7	0	2	2	1	21	0	0	14	0

REPORT

Document Id: A679928

Report Number: 2014/1544
 Prepared For: Regulatory Committee
 Prepared By: Marian Weaver
 Date: 3 October 2014

Subject: **Consent Processing, Administration and Building Permit update 15 August to 26 September 2014**

1. Project E.1 – Resource Consent Application Processing

- 1.1 Consent applications and objections where status has not changed since the last report are summarised in Appendix 1.

Notified Applications

1.2 Publicly Notified Applications

RM13.474 Fulton Hogan Limited

To discharge odour to air for the purpose of operating a solar sludge drying facility 2 km from Luggate. The sludge is from the Wanaka sewage treatment plant. This is a joint process with the QLDC. It was notified on 26 March with submissions closing on 28 April. Eight submissions were received; 7 in opposition and 1 in support. The application was heard on 17-19 September by independent commissioners and the decision is expected mid October.

1.3 Limited Notified Applications

RM13.401 - R & M Borrie Limited

To take and use groundwater from the Big Hill Zone of the Papakaio Aquifer by R& M Borrie for the purpose of irrigation, Enfield, North Otago. Application has been limited notified to groundwater users. Two submissions from nearby water users were received and the application is on hold while the applicant addresses the submissions.

RM12.543 - Andrew Haulage 2011 Limited

To extract up to 5,000 cubic metres per year of gravel from the true right bank of the Koau Branch of the Clutha River/Mata-Au, adjacent to Station Beach, Balclutha. The application was limited notified to the Otago Regional Council, due to the potential effect on Council's flood control infrastructure. The application was heard by an independent commissioner on 5 September and the decision is pending.

2. Appeals to Environment Court

RM13.299 – Pacific View Limited

To transfer the point of take and amalgamate two permits to take and use water from the Waikouaiti River. A hearing was held 14 February and the decision to grant was given. The applicant and Otago Fish and Game have appealed the decision and the Kati Huirapa Runaka ki Puketeraki has joined the appeal. Mediation with an Environment Court commissioner occurred

on 4 June 2014 and again on 30 September where the parties reached agreement. A consent order is being drawn up for submission to the Court.

RM13.452 – Oceana Gold Limited

Various consents associated with the Tipperary Freshwater Dam. Application was limited notified with no submissions. Consents granted 20 May 2014; applicant appealed the decision relating to the requirement to install a trout barrier. A mediation meeting was held on 4 July 2014. ORC and Oceana staff visited a remote part of Tipperary Creek on 5 September and found a natural fish barrier (waterfall). The appeal was resolved by agreement on conditions, the consent order was granted by the Court and the consent has been issued.

3. Consent Statistics

Table 1. Consents Statistics Summary

Reporting Period	Lodged			Rejected	Decision Given		
	Consents	Variations			Consents	Variations	
		Regular	Water reporting date			Regular	Water reporting date
2013/14 Year total	450	30	42	13	410	53	72
1 July to 15 Aug 14	29	5	1	1	35	5	11
18 Aug to 26 Sept 14	45	8	1	2	50	4	1

Applicants to change the date for reporting water use on existing water permits were invited to comply with the water measuring regulations.

5. Consent Administration

Table 2. Consent Administration Statistics

Reporting Period	Transfers Received	Transfers Issued	S417 Certs Received	S417 Certs Issued
2013/2014 Year Total	208	215	16	3
1 July 14 to 15 Aug 14	15	11	0	2
18 Aug to 26 Sept 14	25	17	0	2

6. Building Consent Authority (BCA) Administration

In Progress

Dam Building Consents	3
Code Compliance Certificates	2
PIM	0
Certificate of Acceptance	4

7. Public Enquiries

Appendix 2 shows that 148 enquiries were received by the Consents Units during the reporting period.

Table 3. Public Enquiries Statistics

Period	Number of Enquiries
2013/2014 year	1490
1 July to 15 Aug 14	180
18 Aug to 26 Sept 14	148
YTD 14/15	328

8. Legislation

The amendment to the RMA that is to be enacted when there is an order in Council has not been enacted yet. Most of these amendments relate to consent processing. If there is no Order in Council the amendment is enacted in March 2015.

The Building Act dam safety scheme was expected to become operative on 1 July 2014 (having been delayed twice by the government). In March the Ministry of Business, Innovation and Employment (MBIE) advised that the scheme had been delayed until 31 March 2015 and then on 25 June advised it had been further delayed until 1 July 2015. MBIE has advised that this will provide time for further work on the dam safety regulations and has had extensive communication with this Council about the role RMA resource consents play in dam safety.

9. Staff

Senior Consent Officer Hilary Lennox left ORC on 26 September to take up the role of Consent Manager at Environment Southland.

9. Recommendation

That this report is noted.

Fraser McRae

Director Policy Planning and Resource Management

Appendix 1: Summary of applications that have not changed since the last report to the Committee

Applications

RM12.095 – Clifford MacKay Blaikie

Application to discharge treated wastewater from the Dunstan Hotel to the Clutha River/Mata-Au. Public Health South and Kai Tahu Ki Otago were served the applications, as written approval could not be obtained from these parties. The submission period closed on Monday 3rd March. Public Health South opposes the application. A request for further information has been answered. The application is on hold for the draft report and consent document to be completed and circulated to the applicant and submitter for consideration

RM14.026 Lakes Marina Projects Limited

The applications are for the construction of a 195 berth marina, and are sought to: disturb, reclaim, remove and place structures and deposit material on, over or under the bed of Lake Wakatipu and Marina Creek; discharge sediment; and divert Marina Creek. The applications were jointly notified along with the QLDC application on February 19th. When submissions closed on March 19th, 36 submissions were received (32 in support and 4 in opposition) This is a joint process with the ORC as lead agency. The application is on hold for further information requested by the QLDC.

RM13.215 - Queenstown Lakes District Council

The applications are for the discharge of odour to air, and treated effluent to the Shotover River and then later, to land from the Queenstown waste water treatment plant in the Shotover delta. QLDC already holds permits for these activities but wishes to change the timing and method of disposal to land. The applications were lodged on 17 May and publicly notified on 1 June 2013. When submissions closed on 28 June there were four submissions; one in support and three opposed. A hearing was set down for 28/29 August but has been postponed while the applicant continues to negotiate with submitters. The Hearing Panel did a site visit on 22 August 2013.

RM12.066 – Environment Canterbury - to undertake erosion protection works in the Lower Waitaki River.

Environment Canterbury has applied for consents to allow them to undertake erosion protection works in the Lower Waitaki River. Numerous erosion protection measures are proposed over a 3 km stretch of river. DoC, Iwi, Fish and Game and owners of land on which the works are to take place are all considered to be affected parties. The application is on hold while other affected parties are identified. A decision on notification is pending.

Pending Applications of Interest

RM13.423 – Manuherikia Catchment Water Strategy Group (MCWSG)

A working party has been established comprising MCWSG, Golder Associates and ORC staff. The aim of the working party is to develop a consenting strategy giving regard to existing mining privileges, individual water takes and irrigation options within the Manuherikia catchment.

RM13.428 – Dunedin City Council – Ocean Beach erosion protection

Pre-application discussions have been held with DCC and their consultants to discuss consent requirements for proposed coastal protection works and the potential disturbance of a contaminated site at Ocean Beach

Appendix 2 Public Enquiries

Total Number of Enquiries **148**

Enquiry Type	No.	% of Total
Current Consents	73	49.3 %
Mining Privileges	2	1.4 %
Other	14	9.5 %
Permitted Activities	36	24.3 %
Pre-application	14	9.5 %
Property Enquiries	5	3.4 %
Transfers	4	2.7 %

Enquiry Location	No.	% of Total
Central Otago District Council	44	29.7 %
Clutha District Council	5	3.4 %
Dunedin City Council	26	17.6 %
Outside Otago	3	2 %
Queenstown Lakes District Council	28	18.9 %
Throughout Otago	1	0.7 %
Unspecified	17	11.5 %
Waitaki District Council	24	16.2 %

Enquiry Method	No.	% of Total
Counter	6	4.1 %
Email	77	52 %
Letter	2	1.4 %
Telephone	63	42.6 %

REPORT

Document Id: A674909

Report Number: 2014/1454

Prepared For: Regulatory Committee

Prepared By: Peter Kelliher, Legal Counsel

Date: 25/9/2014

Subject: **Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 Enforcement Activities from 13 August 2014 to 25 September 2014**

1. Précis

This report details Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council during the period 13 August 2014 to 25 September 2014.

2. Enforcement Action under the Resource Management Act 1991

a) Consent Auditing

No enforcement action taken.

b) Consent Performance Monitoring

Table 1. Abatement Notices

Details	Period – 13 August 2014 to 25 September 2014	Total – from 1 July 2014
To cease taking water in breach of water meter regulations	1	1
TOTAL	1	1

c) Permitted Activity Rules - Inspections

No enforcement action taken.

d) Incidents

Table 2. Infringement Notices

Details	Period – 13 August 2014 to 25 September 2014	Total – from 1 July 2014
Discharge of contaminants to air – outdoor burning	1	3
Discharge of contaminants to air – burning prohibited materials	0	1
TOTAL	1	4

Table 3. Authorised Legal Proceedings

Details	Period – 13 August 2014 to 25 September 2014	Total – from 1 July 2014
Discharge of contaminants to land in breach of a regional rule - effluent	0	1
Discharge of contaminants to air – burning prohibited materials	2	2
TOTAL	2	3

3. Biosecurity Act 1993

No enforcement action taken during the period.

4. Building Act 2004

No enforcement action taken during the period.

5. Recommendation

That this report be noted.

Fraser McRae

Director Policy Planning and Resource Management

OTAGO REGIONAL COUNCIL

**Agenda for a meeting of the Technical Committee to be held
in the Council Chamber, 70 Stafford Street, Dunedin
on Wednesday 15 October 2014 following the Regulatory Committee
meeting**

Membership:

- Cr Bryan Scott** (Chairperson)
- Cr Doug Brown** (Deputy Chairperson)
- Cr Graeme Bell**
- Cr Louise Croot MNZM**
- Cr Michael Deaker**
- Cr Gerrard Eckhoff**
- Cr Gary Kelliher**
- Cr Trevor Kempton**
- Cr Sam Neill**
- Cr Gretchen Robertson**
- Cr David Shepherd**
- Cr Stephen Woodhead**

Apologies: **Cr Doug Brown**

Leave of Absence:

In attendance:

Please note that there is an embargo on agenda items until 8.30 am on Monday 13 October.

CONFIRMATION OF AGENDA**PUBLIC FORUM****MINUTES**

The minutes of the meeting held on 4 September 2014, having been circulated, for adoption.

Matters arising from minutes

ITEMS FOR NOTING

Item 1

2014/1364 **2014 Air Quality Results.** DEHS, 1/10/14

Describing the results of ambient air quality monitoring of PM₁₀ carried out at nine sites throughout Otago.

Item 2

2014/1448 **Director's Report on Progress.** DEHS, 2/10/14

The report describes work on the Leith Flood Protection Scheme, Totara flooding, riparian margins in Dunedin City, and riverbank instability in Albert Town.

OTAGO REGIONAL COUNCIL

**Minutes of a meeting of the Technical Committee held
in the Council Chamber, 70 Stafford Street, Dunedin
on Thursday 4 September 2014 commencing at 8.30 am**

Present:

Cr Bryan Scott (Chairperson)
Cr Doug Brown (Deputy Chairperson)
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Trevor Kempton
Cr Sam Neill
Cr Gretchen Robertson
Cr David Shepherd
Cr Stephen Woodhead

Apology:

Cr Graeme Bell
 The apology was accepted on the motion of Crs Scott and Kelliher.

In attendance:

Peter Bodeker
Wayne Scott
Jeff Donaldson
Jane Leahy
Fraser McRae
Gavin Palmer
Michael Goldsmith
Jacob Williams
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 24 July 2014, having been circulated, were adopted on the motion of Crs Scott and Croot.

Matters arising from minutes

There were no matters arising from the minutes.

PART A - RECOMMENDATIONS

Item 1

2014/0758

Flood and Erosion hazard information for the Upper Clutha Valley between Queensberry and Lake Dunstan. DEHS, 29/7/14

The report summarised the full technical report 'Flood and erosion hazard in the Clutha River/Mata-Au between Queensberry and Lake Dunstan' (circulated with the agenda) which drew on the results of earlier technical investigations, and recent modelling of flood hazard in the Upper Clutha Valley.

Dr Palmer noted that the report was an amalgamation of existing and new information, and discussions would be held with CODC on how to synchronise this information with their District Plan review.

Comment was made that the information in the report would be useful for consideration of subdivisions requested for this area because the river could get high and stay high for a while. It was also noted that the report would be useful for NZTA, given that flooding in the Lochar Burn and Tinwald Burn could impact on State Highway 8.

Cr Kelliher moved

Cr Kempton seconded

That:

1. *The report 'Flood and erosion hazard in the Clutha River/ Mata-Au between Queensberry and Lake Dunstan' be received.*
2. *The Upper Clutha Valley community be informed of the revised hazard information at a community meeting.*
3. *The report and its associated flood hazard maps be provided to the Central Otago District Council for incorporation into the revision of the Central Otago District Plan.*

Motion carried

Item 2

2014/1077

Channel morphology of the Waianakarua and Shag rivers. DEHS, 29/7/14

Two reports 'Channel morphology of the Waianakarua River, Otago' and 'Channel morphology of the Shag River/Waihemo, Otago' were circulated with the agenda. The reports summarised the results of surveys of cross-sections of the Waianakarua and Shag rivers.

Cr Croot moved
Cr Shepherd seconded

That:

1. *The report be received and noted.*
2. *The two channel morphology reports (circulated with the agenda) be presented to the Waitaki District Council, and to the Waianakarua and Shag valley communities.*

Motion carried

PART B – ITEMS FOR NOTING

Item 3

2014/1104 **Director's Report on Progress.** DEHS, 13/8/14

The report described progress with the Leith Flood Protection Scheme, and discussed proposed work on repeat State Highway 1 flooding near Hilderthorpe.

In relation to SH1 flooding near Hilderthorpe, Cr Kempton advised that NZTA would put up a project to the Regional Transport Committee under the resilience banner for funding to address this issue. It was unlikely to be a major cost.

A question was raised as to whether there were any solutions to the frequent flooding in this area. Dr Palmer explained that the investigation proposed would take a more holistic approach than those in the past. He also advised that KiwiRail would be invited to participate in the group to scope the investigation.

In relation to the Leith Flood Protection Scheme, Dr Palmer advised that subsequent to the report being written, the pier had been constructed and micropiling completed, and the contractor had now substantially completed the instream work.

Cr Shepherd moved
Cr Kelliher seconded

That the report be noted.

Motion carried

The meeting closed at 8.47 am.

Chairperson

REPORT

Document Id: A670658

Report Number: 2014/1364

Prepared For: Technical Committee

Prepared By: Director Engineering, Hazards and Science

Date: 01 October 2014

Subject: **2014 Air Quality Results**

1. Précis

Ambient air quality monitoring of PM₁₀ continued this year at nine sites throughout Otago. Year-round monitoring fulfils requirements of the National Environmental Standard for Air Quality (NESAQ) at three sites: Alexandra, Mosgiel and Central Dunedin. At the remaining six sites monitoring is performed from April-September, the typical air quality “season” in Otago.

The NESAQ sets a daily PM₁₀ threshold concentration of 50 micrograms per cubic metre of air ($\mu\text{g}/\text{m}^3$); one day a year over that threshold is allowed. The NESAQ sets a final compliance date of 1 September 2020, with an interim target of no more than three days over the threshold by 2016. Days with PM₁₀ greater than $50\mu\text{g}/\text{m}^3$ are referred to as exceedances, or high-pollution days.

Central Dunedin and Palmerston met the NESAQ this year; no exceedances have been recorded at either location. The remainder of the monitored centres have all had multiple exceedances, with Alexandra having the greatest number (51 days).

The following table shows the number of days with PM₁₀ values exceeding $50\mu\text{g}/\text{m}^3$ this year at locations around Otago.

Table 1. Number of exceedances recorded at Otago PM₁₀ monitoring sites.

Location	Number of exceedance days
Alexandra	51
Arrowtown	48
Balclutha	4
Clyde	20
Cromwell	47
Dunedin	0
Milton	14
Mosgiel	7
Palmerston	0

2. Introduction

Two air quality reports detailing Otago's air quality and its relationship to the NESAQ have been presented to Council this year. They are:

2013 Air Quality Results¹ : This paper presented results from 2013 and concluded that even with the progress that has been made in several key towns, it is unlikely that the NESAQ will be met by 2020 in Central Otago towns.

Air quality in Otago – Issues and Considerations² : This paper discussed the challenges of meeting the NESAQ in Central Otago and examined the reasons for the tension between clean air and warm homes. The paper offered eight principles for guiding the development of a new air quality management strategy.

This report presents Otago's ambient air quality monitoring results for 2014. Monitoring results are presented in Section 3 and Alexandra trends are discussed in Section 4.

3. Winter Summary

3.1 *PM₁₀ statistics*

Air quality monitors operated in Alexandra, Arrowtown, Clyde, Cromwell, Balclutha, Central Dunedin, Milton, Mosgiel and Palmerston this year.

The key indicators in the table below show that the numbers of exceedances range from zero in Central Dunedin and Palmerston to 51 in Alexandra. The table also lists the maximum one-day values along with the winter average (May – August) for each site. A spreadsheet with a wider range of descriptive statistics for each site is attached as Appendix 1.

Table 2. Annual summary statistics for daily PM₁₀ in 2014. The highest value in each category is marked in bold. (Unless noted, all units are µg/m³).

Location	Number of exceedances (days)	Maximum PM ₁₀	Winter average (May-Aug)	Second highest PM ₁₀	NESAQ threshold concentration
Alexandra	51	106	46	102	50
Arrowtown*	48	148	46	133	50
Balclutha	4	55	27	55	50
Clyde	20	84	32	65	50
Cromwell	47	112	41	109	50
Dunedin	0	40	18	37	50
Milton	14	132	32	114	50
Mosgiel	7	108	28	72	50
Palmerston	0	49	21	46	50

¹ Council Report #2013/1105; presented to the Technical Committee on 29 January 2014

² Council Report #2014/0983; presented to the Technical Committee on 24 July 2014

* NB: The Arrowtown monitor is in a new location this year and the higher PM₁₀ levels now represent the highest pollution levels in town, a requirement of the NESAQ.

3.2 2014 site highlights

The 2014 results reveal the following highlights for each centre:

Alexandra

- The maximum PM₁₀ value this year (106µg/m³) is 28% lower than the long-term maximum over the past eight years of sampling.
- Other key indicators (number of exceedances, winter average) are similar to the long-term averages recorded at the site.

Arrowtown

- The monitor is in a new location this year and it reflects higher ambient PM₁₀ levels. Results from this year cannot be compared to previous years in terms of temporal trends.
- Even with higher numbers this year for most indicators, PM₁₀ numbers were higher in 2007 at the previous site.

Balclutha

- Results were very similar to last year although hardware failures meant that data were not collected from late May – late June.
- Despite having greater PM₁₀ emissions than in Alexandra, and relatively high coal usage, only four exceedances were recorded, the highest of which was 55µg/m³. This indicates the influence of climate on PM₁₀ concentrations.

Clyde

- Clyde recorded twice as many exceedances this year as last year (20 days this year compared to 10 days last year).
- Key indicator statistics show more variability in Clyde than anywhere else in the region. The reasons for this are unknown at this point.

Cromwell

- Ranked 3rd highest number of exceedances (47 days) after Alexandra and Arrowtown.
- Recorded 2 days with PM₁₀ over 100µg/m³; one occurred in early September and was caused, in part, by a substantial burnoff outside of town.

Dunedin

- Dunedin recorded its best air quality to date with zero exceedances with a maximum one-day value of 40µg/m³.
- 97% of winter days met the Otago Air Plan's goal level of 35µg/m³, with only four days over that level.

Milton

- Milton had an unusual air quality season, with just 14 exceedances. This compares favourably to its normal number of exceedances (38 days). Likely reasons for this include a different weather pattern this year (more unsettled and windier than usual) and the fact that one of the two major industries was shut down for much of the winter season.
- All key indicators were lower than in previous years, giving Milton its best air quality year since 2008 when continuous monitoring began.

Mosgiel

- Mosgiel's air quality this year was similar to most previous years, with seven exceedances.
- There was just one day with PM₁₀ greater than 100µg/m³ and it is believed that outdoor burning contributed to those levels.

Palmerston

- Palmerston had a second consecutive year with no exceedances of the NESAQ.

4. Alexandra air quality trends

With the addition of winter 2014 data, there are now nine years of continuous PM₁₀ monitoring data.

The graph in Figure 1 shows the number of annual exceedances and the average PM₁₀ taken over all of those exceedance days.

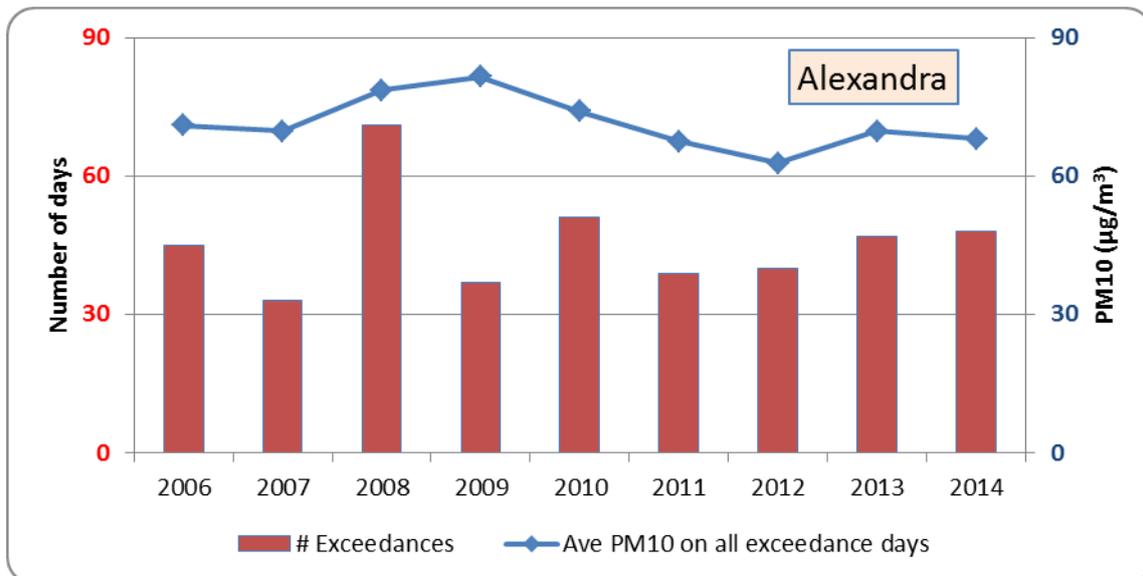


Figure 1. Alexandra exceedances and average exceedance PM₁₀ level for all years.

The majority of high-pollution days occurred during July this winter. In the 24 days from 5-28 July, there were only two days when PM₁₀ levels were *below* the NESAQ limit. The three days from 9-11 July all recorded daily PM₁₀ greater than 100µg/m³.

One key indicator in tracking progress is the average of the ten days with the highest PM₁₀. Even if air quality is improving, the number of exceedances may remain high; however, it is expected that if maximum emissions are lowering then maximum concentrations should as well.

This year in Alexandra the maximum one-day value was lower than usual, but looking at the average of the ten highest days indicates that there was no decline from last year.

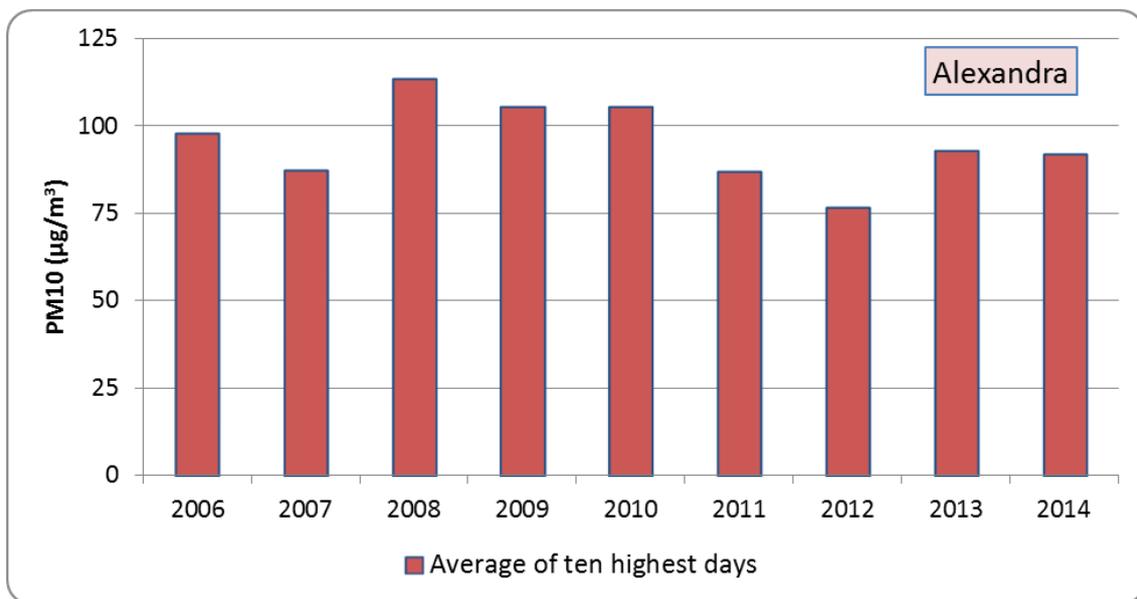


Figure 2. Average PM₁₀ for the ten highest recorded days over the last nine years.

5. Recommendations

1. That this report be received.
2. That the state of air quality in Otago be noted.

Gavin Palmer
Director Engineering, Hazards and Science

2014	Alexandra	Arrowtown	Balclutha	Clyde	Cromwell	Dunedin	Milton	Mosgiel	Palmerston	
Summary										
Winter average PM ₁₀ (May-Aug)	46	46	27	32	41	18	32	28	21	
Number Exceedances during 2014 (in days)	51	48	4	20	47	0	14	7	0	
Maximum PM ₁₀	106	148	55	84	112	40	132	108	49	
2nd highest PM ₁₀	102	133	55	65	109	37	114	72	46	
Number of Days > 100µg/m ³	3	8	0	0	2	0	2	1	0	
Monthly exceedances (days)										
January Exceedances	0					0		0		
February Exceedances	0					0		0		
March Exceedances	0					0		0		
April Exceedances	1	0	0	0	1	0	0	0	0	
May Exceedances	7	5	0	1	9	0	0	0	0	
June Exceedances	13	11	3	5	10	0	10	6	0	
July Exceedances	25	16	1	12	16	0	2	1	0	
August Exceedances	4	13	0	2	9	0	1	0	0	
September Exceedances	1	3	0	0	2	0	1	0	0	
Winter day categories (123 days in winter)										
# of days under 35	LOW POLLUTION	41	51	77	74	60	119	63	97	116
# of days between 35-50	MEDIUM POLLUTION	33	24	9	29	19	4	24	19	7
# of days > 50	HIGH POLLUTION	49	45	4	20	44	0	13	7	0
% of days under 35	LOW	33	43	86	60	49	97	63	79	94
% of days between 35-50	MEDIUM	27	20	10	24	15	3	24	15	6
% of days > 50	HIGH	40	38	4	16	36	0	13	6	0
Monthly averages										
May Average		39	38	25	26	36	22	25	27	20
June Average		49	52	36	32	43	21	44	36	24
July Average		61	54	26	40	52	14	26	25	19
August Average		35	39	26	29	33	17	27	24	20

REPORT

Document Id: A674867
Report No: 2014/1448
Prepared For: Technical Committee
Prepared By: Director Engineering, Hazards and Science
Date: 2 October 2014

Subject: Director's Report

1. Leith Flood Protection Scheme

Works to the St David Street to Union Street reach are nearing completion and parts of the area have been reopened to the public, including the St David Street footbridge.

Tenders will shortly be invited for enabling works in the Dundas Street to St David Street reach. Those works comprise the relocation of underground and overhead utility services that are presently located below and above Montgomery Avenue. Investigations into the most cost effective combination of flood mitigation works within this reach and at Dundas Street Bridge are continuing. For that reason the civil construction works within this reach will be implemented in two stages, with the first stage undertaken this summer. Staging these works provides more time for the investigations and reduces the impacts of any unexpected delays during construction, especially any delay arising from the enabling works.

2. Totara Flooding

Cr Brown, Mr Bodeker and I along with Cr Bill Kingan of Waitaki District Council and three landowners inspected the ponding that has occurred in the Totara area and then met afterwards with Mayor Kircher and staff of Waitaki District Council to discuss the situation. Although extensive ponding has occurred on a regular basis in the past it appears to be lasting longer, probably due to elevated aquifer levels. A concept for a drainage scheme has been prepared by several landowners and it was agreed that ORC will consider how it could be involved in facilitating the investigation of the scheme and options for construction, ownership and maintenance of a scheme.

3. Riparian margins in Dunedin City

ORC has been assisting Dunedin City Council in reviewing the esplanade reserve and esplanade strip network throughout the wider Dunedin City. The purpose of the review is to assess riparian and in-stream values of selected Dunedin waterways, and to make recommendations for esplanade requirements. The work forms part of the 2GP District Plan Review. ORC has provided assistance with Regional Policy Statement guidance, and advice on biodiversity values, natural hazards, riparian buffer size, public access and recreational values.

4. Riverbank instability at Albert Town

As previously reported to Committee, ground movement has been observed immediately upstream and adjacent to ORC's rockwork at Albert Town. That is the rockwork ORC constructed in 2003 upstream of the SH6 Bridge. The area has been inspected by an engineering geologist and he advises that the river bank upstream of the rockwork is likely to fail at some time in the future, in the form of a downslope movement of material into the river. Although this movement is unlikely to directly affect privately owned land ORC is taking further advice on the preventative measures that could be taken and on a contingency plan for the situation. ORC has been liaising with Queenstown Lakes District Council on these matters and have advised them to close the walkway in this locality as a precautionary measure. QLDC has informed nearby landowners of the situation with the walkway.

5. Recommendation

That this report is noted.

Gavin Palmer
Director Engineering, Hazards and Science