

## Policy Committee - 13 September 2018 Attachments

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Minutes of a meeting of the Policy Committee held in the  
ORC Council Chambers at Philip Laing House, Dunedin on  
Wednesday 1 August 2018, commencing at 11:03 am

**Membership**

Cr Gretchen Robertson	<i>(Chairperson)</i>
Cr Michael Laws	<i>(Deputy Chairperson)</i>
Cr Graeme Bell	
Cr Doug Brown	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Trevor Kempton	
Cr Ella Lawton	
Cr Sam Neill	
Cr Andrew Noone	
Cr Bryan Scott	
Cr Stephen Woodhead	

**Welcome**

Cr Robertson welcomed Councillors, members of the public and staff to the meeting.

**1. APOLOGIES**

Cr Noone's apology for lateness.

**2. LEAVE OF ABSENCE**

No Leave of Absence was advised.

**3. ATTENDANCE**

Sarah Gardner	<i>(CEO)</i>
Nick Donnelly	<i>(DCS)</i>
Tanya Winter	<i>(DPPRM)</i>
Michelle Poole	<i>(Acting DSHE)</i>
Gavin Palmer	<i>(DEHS)</i>
Scott MacLean	<i>(DEMO)</i>
Sally Giddens	<i>(DPC)</i>
Ian McCabe	<i>(Executive Officer)</i>
Lauren McDonald	<i>(Committee Secretary)</i>

*For our future*

#### **4. CONFIRMATION OF AGENDA**

Cr Robertson proposed that the Public Forum be held at 11:30 am with Manuherikia Catchment community representatives and for Item 11.3 - Minimum Flow Plan Change Update to be taken as the first report of the agenda.

#### **Resolution**

*That the change to the order of the agenda be accepted.*

Moved Cr Hope  
Seconded Cr Lawton  
CARRIED

#### **5. CONFLICT OF INTEREST**

No conflicts of interest were advised.

#### **6. PUBLIC FORUM**

##### Minimum Flow Plan Change

The Manuherikia Sub Committee addressed public forum - Speakers: Mr Graeme Martin, Mrs Jan Manson, Mr Andrew Patterson and Ms Sally Dicey.

Mr Martin advised that the presentation of the information would take approximately 30 mins. Written copies of the speakers' presentations were provided to councillors.

#### **Resolution**

*That the time limit under ORC Standing Orders for public forum of 30 minutes be relaxed.*

Moved: Cr Bell  
Seconded: Cr Deaker  
CARRIED

Mr Martin provided introductory remarks and context. Mrs Manson gave an overview of farmer concerns with the plan change process. Mr Patterson spoke to the impact of the minimum flow process from a farming context. Ms Dicey outlined the planning process from a legal perspective.

Mr Martin concluded the presentation with a summary of key points, obstacles and concerns of the group. He also offered to act as a facilitator to establish an efficient and fair process and to foster the Freshwater Management Units and the Plan Change as he felt there had been a crisis of confidence in the Council by the community.

The speakers responded to questions of clarification from councillors.

The Public Session closed at 12:57 pm.

*The meeting adjourned at 1:00 pm for lunch.*

## 7. PRESENTATIONS

No presentations were held.

## 8. CONFIRMATION OF MINUTES

### Resolution

*That the minutes of the meeting held on 13 June 2018 be received and confirmed as a true and accurate record.*

Moved: Cr Hope  
Seconded: Cr Robertson  
CARRIED

## 9. ACTIONS (Status report on the resolutions of the Policy Committee).

### **Minimum Flow Plan Change Manuherikia, Arrow and Upper Cardrona catchments**

*That 31 August is confirmed for notification subject to Minimum Flow figures and missing section 32 components being completed and brought to the Council and brought to the communities.*

The action from the 13 June 2018 resolution was closed as the matter was tabled for discussion. (Item 11.3).

## 10. MATTERS FOR COUNCIL DECISION

NIL

*The meeting reconvened at 2:08 pm.*

## 11. MATTERS FOR NOTING

### **11.3. Minimum Flow Plan Change Update**

The report provided a summary of the progress made on the Priority Catchments Minimum Flow Plan Change in recent weeks including an update on community sessions and expert input.

In attendance. ORC staff, Lisa Hawkins (report author), Anita Dawe (Policy Manager), Jason Augspurger, Julia Briggs, Pete Ravenscroft and consultants: Gina Sweetman; Amy Selvarajah; and Glen Cooper.

Mrs Gardner introduced the staff and consultant team currently working on the plan change for the Arrow, Upper Clutha and Manuherikia catchments to the meeting and outlined the depth of experience in the team. An overview of the Council plan change process was provided by Mrs Gardner and Mr Cooper, including explanation of the setting of minimum flows, environmental flows, data modelling. She confirmed the focus as setting the catchments minimum flows.

Mrs Gardner outlined a potential scenario, that was not Council policy, clarifying how allocation would be considered as part of a broader plan review. She explained deemed permits expiring in 2021 may have a new consent term of up to 10-year with minimum flow and possibly residual flow conditions imposed. She explained what allocation might

look like using the primary allocation of 3.2 m<sup>3</sup>/sec already in the Water Plan and the current maximum actual take of 16 m<sup>3</sup>/sec. She also explained allocation would be looking at closing the gap and over time achieving allocation of 3.2 m<sup>3</sup>/sec.

Mrs Gardner confirmed community sessions were scheduled to be held in Ophir on 9-10 August to share data between irrigators and ORC

Staff responded to questions of clarification from councillors.

Discussion held included: the level of over allocation in the Manuherikia Catchment; review of timeframes; data collection for hydrology modelling; communication of the plan change process with the catchment communities.

*Cr Robertson left the meeting at 2:51pm and Cr Laws assumed the Chair.*

### **Resolution**

*That the CEO engage an appropriately qualified facilitator to help consultation associated with Priority Catchments Minimum Flows and Residual Flow Plan Change.*

Moved: Cr Noone  
Seconded: Cr Deaker  
CARRIED

### **Resolution**

*A report to provide a summary of the progress made on the Priority Catchments Minimum Flow Plan Change in recent weeks including an update on community sessions and expert input.*

Moved: Cr Scott  
Seconded: Cr Neill

Cr Laws advised that the motion of 13 June that the 31 August be the potential notification date needed to be rescinded.

### **Resolution**

*To rescind the motion of 13 June 2018, that 31 August 2018 as the confirmed notification date:*

*(That 31 August is confirmed for notification subject to Minimum Flow figures and missing section 32 components being completed and brought to the Council and brought to the communities.)*

Moved: Cr Laws  
Seconded: Cr Noone  
CARRIED

## Resolution

*That Council:*

- 1) **Receive** this report.
- 2) **Note** this report.
- 3) **Note** the revised time frames for completing the necessary technical inputs and supporting information required to notify the plan change.

Moved: Cr Woodhead

Seconded: Cr Noone

CARRIED

### 11.1. Director's Report on Progress

The report provided an update on: policy responses; ORC policy, plans and strategies and an overview of water quantity plan change development.

#### District plan changes and review

A concern was expressed that councillors had not received a copy of the ORC submission to the CODC for Plan Change 13. It was requested that councillors receive copies, or precis of, submissions made by ORC and for a report to be brought to Council on the submissions and feedback process.

## Resolution

*That the CE be asked to prepare:*

1. *A paper on submissions and feedback process for the next committee round.*
2. *Circulate all submissions made on councils behalf to councillors*

Moved: Cr Laws

Seconded: Cr Hope

CARRIED

*Cr Noone returned at 11:17am*

#### Ladies Mile HIF

Discussion was held on ORC's role in addressing issues in the QLDC area, such as public transport and traffic congestion due to expanding housing developments.

## **Resolution**

*Council meet with QLDC to create a plan for how we will dually communicate aspirations for Public Transport in relation to the Ladies Mile by the end of August 2018.*

Moved: Cr Lawton  
Seconded: Cr Deaker  
CARRIED

## **Resolution**

a) *That this report be noted.*

Moved: Cr Robertson  
Seconded: Cr Hope  
CARRIED

### **11.2. National Planning Standards**

The report outlined the Ministry for the Environment consultation on draft National Planning Standards. The intent of the review is the achievement of greater consistency in the format, structure and definitions of regional policy statements, regional plans and district plans.

In attendance, Anita Dawe (Policy Manager), Sylvie Leduc (Senior Policy Analyst).

Discussion held on the implications for ORC for the water plan notification and RPS completion.

## **Resolution**

a) *That this report be received and noted.*

Moved: Cr Woodhead  
Seconded: Cr Deaker  
CARRIED

## **12. NOTICES OF MOTION**

No Notices of Motion were advised.

## **13. CLOSURE**

The meeting was declared closed at 3:08 pm.

Chairperson

## MEMORANDUM

**Document Id:**

**To:** Sarah Gardner (CEO)

**From:** Tom DePelsemaker (Senior Policy Analyst), Richard Pettinger (Senior Policy Analyst), Lisa Hawkins (Project Lead Priority Catchments Minimum Flow Plan Change)

**Copy to:** Tanya Winter (Director Policy Planning and Resource Management), Anita Dawe (Acting Manager Policy)

**Date:** 21 August 2018

**Subject:** History of Manuherikia Primary Allocation in Sch 2A of the Water Plan

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### Purpose

The purpose of the memo is to clarify how the primary allocation of 3,200l/s was set in Schedule 2A of the Water Plan. This primary allocation limit applies to the entire Manuherikia catchment from the headwaters to the confluence with the Clutha/Mata-Au.

### Background

#### 1998 - Proposed Regional Plan Water for Otago

The proposed Regional Plan Water for Otago (pRPW) notified in February 1998 did not include the notion of a “primary allocation limit”.

However, the PRPW did include a policy that limits allocation in all catchments in Otago (except Clutha Main stem, Kawarau, Shag and Kakanui Rivers).

#### *Policy 6.4.3*

*To establish priority classes for resource consents to take water from all rivers of Otago, other than those covered by Policy 6.4.1 and the main stems of the Clutha and Kawarau rivers, and limit allocation to those classes as follows:*

- (a) Class A consents: The greater of 50% of the 7-day mean annual low flow, or the assessed total actual take as at 28 February 1998; and*
- (b) Class B consents: The lesser of 50% of the 7-day mean annual low flow, or the 7-day mean annual low flow less the allocation to Class A consents.*

The priority classes set under this Policy (Class A and Class B) would eventually evolve into “primary” and what would now be “secondary” or “supplementary” allocation.

The pRPW did include a Schedule 2, however, this Schedule would only set minimum flows for specified catchments, not specific allocation limits.



## 2000 -Regional Plan: Water Incorporating Decisions on Submissions Received

The notion of “primary allocation” was introduced with the Decisions version of the Regional Plan: Water for Otago, which was released in July 2000.

However, this version of the Plan did not yet include the notion of a “primary allocation limit” specifically. Hence no allocation limits for specified catchments were set in Schedule 2 of the Decisions version of the Plan). Allocation was limited by a statement of policy 6.4.2:

### *Policy 6.4.2*

*To limit allocation for the taking of surface water in any catchment, through the identification of a quantity, known as primary allocation, which is the greater of:*

- (a) The natural 7-day mean annual low flow; or*
- (b) The consented 7-day take at 28 February 1998, excluding takes with a minimum flow that was set higher than those required by Policies 6.4.3 or 6.4.4(a).*

## 2004 -Operative Regional Plan: Water for Otago

The Operative Plan that was released in 2004 introduced the notion of a primary allocation limit and made changes to Schedule 2 by providing for the inclusion of minimum flows as well as allocation limits for the specified catchments within this Schedule.

The limits included in schedule 2A were to be set under Policy 6.4.2(a)(i)

### *Policy 6.4.2*

*To limit allocation for the taking of surface water in any catchment, through the identification of a quantity, known as primary allocation, which is:*

- (a) For catchment areas in Schedule 2A the greater of:*
  - (i) The primary allocation specified in Schedule 2A; or*
  - (ii) The consented maximum instantaneous or consented 7-day take at 28 February 1998, less:*
    - Any consents surrendered, lapsed, cancelled or not replaced on expiry, after 28 February 1998; and*
    - Any takes with a minimum flow that was set higher than those required by Schedule 2A; and*
    - Any takes that immediately return all of the take to the source water body.*
- (b) For catchment areas other than those in Schedule 2A the greater of:*
  - (iii) 50% of the 7-day mean annual low flow; or*
  - (iv) The consented maximum instantaneous or consented 7-day take at 28 February 1998, less:*
    - Any consents surrendered, lapsed, cancelled or not replaced on expiry, after 28 February 1998; and*
    - Any takes that immediately return all of the take to the source water body.*

The current primary allocation limit for the Manuherikia catchment of 3200l/s, was included in Schedule 2A of the Water Plan in 2003, as a result of an Environment Court decision on appeals on minimum flow setting under the proposed Water Plan (2003).

The appeal was on the Decisions Plans’ attempt to introduce a default minimum flow regime that covered all of Otago. It was brought by Otago Fish & Game. Parties to appeal included OWRUG, the Department of Conservation, the Maniototo Irrigation Company Ltd, and Federated Farmers.

There were calls to tie down a suitable primary allocation limit, fixed in Schedules where possible. It was therefore necessary to specify the catchments where an appropriate minimum flow applied and hence a primary allocation limit. Policy 6.4.2 provided the framework for the introduction of allocation either in the schedule or as a default where not listed.

When the Court came to look at appropriate primary allocation limits, all parties to the appeal were invited to the table for this consensus-building exercise. Consensus was reached and conveyed back to the Court immediately. It was recognised that the minimum flow for the Manuherikia (820 l/s) was one the irrigators accepted.

We understand that this acceptance was in part due to the proposed provisions in the Water Plan not immediately affecting existing takers and they had time to prepare for any change to their status. Irrigators generally also accepted the primary allocation limits, which for the Manuherikia catchment was 3,200 l/s.

The Environment Court Decision (see Decision C71/2002 and Decision C88/2003) does not include any explanation or discussion around the criteria that were used to determine an appropriate allocation limit of 3,200 L/s for the Manuherikia catchment. This figure appears to have been reached by consensus among representatives of all interest groups party to the appeal and the Court seemed satisfied the compromise was appropriate.

In reporting its decision, the Environment Court referred to the over-allocation present in many of Otago's catchments. With regard to Manuherikia this was reflected in the addition of text to the explanatory of *Rule 12.1.5 Discretionary Activity*. This stated that the catchment was substantially over-allocated when comparing the scheduled primary allocation of 3,200l/s to the estimated primary allocation of 27,000l/s at 28 February 1998. It should be noted that this explanatory statement is no longer present in the Water Plan, removed as part of the 1C Plan Change process.

## Summary

The Environment Court decision made the following additions to the Water Plan with regard to minimum flow and allocation:

- Update policy 6.4.2 to reflect the following for catchments listed in Schedule 2A:

*Policy 6.4.2*

*To limit allocation for the taking of surface water in any catchment, through the identification of a quantity, known as primary allocation, which is:*

- (c) *For catchment areas in Schedule 2A the greater of:*
  - (v) *The primary allocation specified in Schedule 2A; or*
  - (vi) *The consented maximum instantaneous or consented 7-day take at 28 February 1998, less:*
    - *Any consents surrendered, lapsed, cancelled or not replaced on expiry, after 28 February 1998; and*
    - *Any takes with a minimum flow that was set higher than those required by Schedule 2A; and*
    - *Any takes that immediately return all of the take to the source water body.*
- Update Schedule 2A to incorporate the following for the Manuherikia - a minimum flow of 820l/s and an allocation limit of 3,200l/s; and

- Insert into Rule 12.1.5 *Discretionary Activity* the following text in the explanation. This text was subsequently removed as part of Plan Change 1C and is no longer incorporated in the Water Plan:

*Because the Manuherikia and the Taieri catchments are substantially over-allocated, no provision has been made to allocate more water as primary allocation under Rule 12.1.4.4 in the specified areas of these catchments. The primary allocations in accordance with Policy 6.4.2(a)(i) (shown in Schedule 2A) and current primary allocations in accordance with Policy 6.4.2(a)(ii) are:*

<i>Catchment (from mouth to headwaters)</i>	<i>Primary Allocation as per Schedule 2A</i>	<i>Estimated primary allocation as at 28 February 1998</i>
<i>Manuherikia</i>	<i>3,200 litres/sec</i>	<i>27,700 litres/sec</i>
<i>Taieri</i>	<i>4,860 litres/sec</i>	<i>14,400 litres/sec</i>

*It is considered that no further primary allocation will be available in either of these catchments within the life of this Plan.*

#### **Recommendation**

That the information contained in this memo is noted.

# Minimum Flows Plan Change Communications Plan

Working document drafted in May 2018

## Introduction

The proposed plan change is required by the National Policy Statement on Freshwater Management (the NPSFM). The NPSFM requires Council to set environmental flows for all freshwater management units within its region. The purpose of this plan change is to set minimum flows in priority catchments to enable the replacement of deemed water permits.

The priority catchments identified are:

- Arrow
- Upper Cardrona
- Manuherikia

In addition, an aim of this plan change is to provide greater certainty around the values considered when setting a residual flow, the method used and where and how a residual flow may be set or measured.

Timeframe for notification on this plan change is May 2019, or prior.

## Background

ORC has been consulting with the community on these plan changes on an individual catchment basis. The new approach will see ORC bring this work together to notify a single plan change.

### **Prior consultations:**

#### **Manuherikia**

Consultation 1 – August 2016

Consultation 2 – March 2017

#### **Arrow**

Consultation 1 – June 2017

Consultation 2 – December 2017

#### **Cardrona**

Consultation 1 – June 2010

Consultation 2 – February 2012

Consultation 3 – June 2013

#### **Residuals**

Consultation 1 – August 2017

## Engagement objectives

Due to short timeframes for this plan change, the focus will be on informing the community. Active consultation has taken place for a number of years with all catchments having been through previous consultation rounds.

### **Promote the context of this plan change and why we're doing this**

- Part of NPSFM and a central government objective
- Benefits to the community
- Ecological and sustainability message

### **Connecting the relevance of this plan change to the community**

- Explain complex technical terms and what they mean in easy to understand language
  - For example minimum flow, allocation limits, residual flow
  - The process
  - Easy to follow timeframes
- Explain the multiple uses and purposes for lakes, rivers, tribs. All are important.

### **Provide important technical information to key stakeholders so that they are reliably informed**

- Establish an agreed protocol for ORC presentations whenever we have a public engagement session on any Min flow plan change – to ensure that the bigger picture is provided to communities
  - A detailed scope for future work provided by Policy will help with this
- To inform, engage and educate the community so they can make an informed decision around minimum flow options for the catchments that are of interest to them
- To communicate openly and honestly with the community, even when conveying a message they may not be receptive to
- The plan change will affect individuals in the community directly, as such, we need to place people at the heart of our engagement, whilst championing the benefits to the community where possible.

### **EngagementHQ as the primary online portal for information**

- Set-up Minimum Flows portal on EngagementHQ. This is seen as the platform for ongoing engagement on this plan change and future minimum flow and water allocation plan changes.

## Audiences

The campaign focus will be on Central Otago and a rural community. However, with freshwater quality and volume becoming an ever-growing part of a wider political conscious, it's predicted that the campaign and messages could end up filtering throughout Otago as a whole. Particularly if this project can leverage off a sophisticated evergreen comms package geared around Water Quality and Quantity in general Minimum Flow programme in general.

External stakeholders and channels

Stakeholder	Face to Face meetings with groups/individuals	Reconnect letter	Engagement HQ	Email & YourSay Updates	Stakeholder sessions	Community sessions	Community event presence eg – Irrigation Conference	On-Stream newsletter	Site visits	Social media updates
Iwi*										
Owners/Occupiers & consent holders										
Community boards/Interest Groups										
Irrigation bodies										
Consultants										
TAs – CODC and QLDC										
Visitors/Tourists & recreational users										

\*Identified as treaty partner

**Internal Stakeholders and channels**

Stakeholder	Director Reports	Committee Meetings/workshops	Direct communication	Engagement HQ	Stakeholder sessions	Community sessions	Key messages promoted	Jostle updates
Councillors								
Staff								

### **Iwi – RMA requirement to consult with iwi**

- Iwi as a partner in this plan change. They are to be engaged with separately and in advance of stakeholder workshops for their own separate meetings with ORC
- Re-connect with iwi with an initial invitation to a face-to-face meeting with iwi to inform them of our progress to date
- Direct communication and face to face catch-ups
- EngagementHQ promoted as a way to stay informed
- Tom De Pelsemaeker is iwi relationship manager for this project
- Offer of representation in any reference group that is set-up

### **Owners and Occupiers within the Manuherikia catchment**

#### **Consent, deemed permit holders and permitted water takers**

- A re-connection letter/email – which outlines while they haven't heard from Council in a while – here is our progress update. Profiling the new EngagementHQ platform as the primary online platform that they can utilise to stay informed. Also, that they can register to receive regular email updates
- Public consultation/Drop-in sessions to take place later in the year
- Engagement HQ and regular email newsletter
- Presence at appropriate community events – A&P shows, Irrigation Conference
- Site visits where appropriate
- Representation in any reference group that is set-up
- Stakeholder workshops

### **Community boards**

#### **Interest groups: Recreational interest groups – for example fishing and kayaking**

- Re-connect email/letter
- Public consultation/Drop-in sessions to take place later in the year
- EngagementHQ
- Representation in any reference group that is set-up
- Stakeholder workshops

### **Irrigation bodies**

- Re-connect email/letter
- Direct communication and face to face meetings
- Site visits where appropriate
- Stakeholder workshops
- EngagementHQ
- Representation in any reference group that is set-up

### **Recreational users, tourists**

- EngagementHQ – the ability for public to choose how they want to engage with us online
- Drop-in sessions
- Reference group representation
- Maps, info-graphics that explain the minimum flow programme of work
- Development of key messaging and branding for Min Flow programme identified as a future opportunity

### **Consultants**

- Direct communication and face to face meetings



- EngagementHQ
- Re-connection email
- Stakeholder workshops
- Representation in community reference group
- Site visits

#### **Internal ORC staff**

- Key messages for how we engage on Manuherikia and minimum flow programme
- Objective setting for overall Minimum Flow programme of work – what does Council want to achieve? If everyone is clear on this objective, it will set the tone for how we engage

#### **Councillors**

- Utilising Cr Robertson as sounding board for communications
- Regular briefings from the project team on progress on Manuherikia and presentations at committee workshop sessions.
- Updates provided to councillors, and in particular prior to each stage of consultation
- Director reports
- Join staff on site visits where appropriate

#### **CODC**

- Direct engagement has begun
- Face to face catch-ups
- Stakeholder workshops
- Targeted re-connection with CODC and ongoing direct communication

#### **Key Stakeholders**

##### **Clause 3 parties:**

- CODC
- NZTA
- DOC
- MFE
- Iwi
  - KTKO, Aukaha, TRONT, Waitaha, Ted Palmer, Edward Ellison
- **Ministers – who may be affected**
  - Hon Kelvin Davis – Minister for Crown/Maori relations, Tourism
  - Hon Philip Twyford – Minister of Transport
  - Hon Dr David Clark – Minister of Health
  - Hon David Parker – Minister for the Environment, Economic Development
  - Hon Nanaia Mahuta – Minister of Local Government
  - Hon Damien O’Connor – Minister of Agriculture, Rural Communities
  - Hon Shane Jones – Minister of Forestry, Regional Economic Development
  - Hon James Shaw – Minister for Climate Change
  - Hon Eugenie Sage – Minister of Conservation

##### **Other key stakeholders:**

- Public Health South
- Otago Fish and Game Council
- Upper Clutha Angling Club
- Environmental Defence Society

- Pioneer Energy
- Manuherikia Water Strategy Group
- Water Co (formerly Manuherikia River Limited)
- Forest and Bird
- Central Otago Environmental Society
- Central Otago Ecological Society
- OWRUG
- Consent holders
- The Six irrigation companies
- Owners and occupiers
- Federated Farmers

### **Other stakeholders identified**

- Rural Women New Zealand
- NZ Federation of Women's Institutes
- Any other stakeholders identified through the consultation process
- Beef and Lamb
- Dairy NZ
- Deer NZ
- Irrigation NZ
- Hort NZ
- Horticultural and viticulture groups

## **Messages**

Focusing on why ORC is doing this is key, along with outlining the key benefits of this work to the community.

- We have been consulting with the community for some time about developing a number of water quantity plan changes for individual catchments and a residual flows plan change.
- Our new approach brings this work together to notify a single plan change.
- The objective of the plan change is to set minimum flows on priority catchments to assist in evaluating the replacement of deemed water permits within the Clutha/Mata-au catchment.
- The priority catchments identified are: Arrow catchment, Cardrona catchment (Upper only, above Mt Barker), Manuherikia catchment
- The plan change will also include minor or technical changes, for example clarifying how residual flows are set and measured.

### **What is not included**

- Some catchments within the Clutha/Mata-au have not been included because the objective of the plan change relates to the setting of minimum flows for priority catchments.
- We also need more time to complete work on setting allocation limits (and phasing-out of over allocation) to ensure we get this right. Allocation will be part of scoping a broader work programme to give effect to the National Policy Statement for Freshwater Management.
- Feedback from the community on the development of individual plan changes remains valuable and will be considered as part of this plan change.

## Why?

By setting minimum flows at a catchment level this provides consistency across the catchment for the replacement deemed permits that will occur before 2021. This provides clarity for deemed permit holders on one of the variables that will be a consideration of the deemed permit replacement process.

## What are minimum flows:

Minimum flows are set to provide a management regime that will look after the values of a river during periods of low flow. Low flow periods pose a “crunch time” for aquatic ecosystems as habitat and food availability for many aquatic organisms tends to decrease.

Values that a minimum flow will support, using Manuherikia as an example are:

- Recreation, for example, swimming particularly in the lower reaches
- Trout habitat, the Manuherikia catchment is a regionally significant fishery
- Long fin eel, this is a specific cultural value
- Water use for irrigation
- Maintaining the natural character and safeguarding the health of waterways

## Re-connection comms

- Detail which part of the consultation process we are up to
- Focus on activity that has been occurring in the background since March 2017
- Profiling EngagementHQ as a primary online platform
- Detail how to sign-up for regular email updates
- ORC commits to ongoing communication to the community

Risks	Mitigations
The community haven't received any communication or progress updates since March 2017	Initial re-connect email/letter that explains what is coming up and what work has occurred during that time
<ul style="list-style-type: none"><li>• Negative perception of ORC from community and view that plan change is not informed by community feedback or a sound understanding of the catchments.</li><li>• General opposition to the plan change from community, particularly the irrigation stakeholders</li></ul>	<ul style="list-style-type: none"><li>• Set-up of email distribution group for key stakeholders, with a regular monthly email.</li><li>• Potentially set-up community champions that understand the changes and are empathetic to the perspectives of various stakeholders</li><li>• EngagementHQ as main platform</li></ul>
A lack of background information on the entire Minimum Flow programme of work. For example, why is it happening? What are the benefits for the community? The lack of an accessible online overview of minimum flows, risks fuelling a negative perception of ORC and the programme of work.	<ul style="list-style-type: none"><li>• Set-up of email distribution group for key stakeholders, with a regular monthly email.</li><li>• EngagementHQ as main platform</li></ul>

Field staff approached about issues from public, possible H&S risk	Key messages for staff shared on intranet, along with regular updates and media releases posted online
Going to the community without all of the technical reports completed	<ul style="list-style-type: none"> <li>• Approach that we're bringing the community in on this discussion so that they have an idea and some level of certainty of the direction we're heading with flow limits</li> <li>• Creation of water drop info-graphic puzzle pieces to clearly indicate what reports we're still waiting on to inform the plan change. A visual to create transparency on this approach.</li> </ul>

## Imagery/branding

Current imagery, branding exists – in our consultation notifications – this isn't strong. To be revitalised as part of drafting wider engagement package for water quality and quantity programmes. Aim of package is to raise awareness, foster brand recognition and leverage off previous comms for wider recognition of both water quality and quantity plan changes.

## EngagementHQ – online platform

Using EngagementHQ website as a platform for engagement. This tool will raise profile of the Minimum Flow programme as a whole by:

- Allowing users to access high-level information or drill-down into detailed specialist information and application forms. It will provide an overview of the programme as a whole and an overview for each catchment: Manuherikia, Cardrona, Arrow.
- Potential to allow moderated opinion-sharing which will humanise the impacts for individuals in differing scenarios, facing differing impacts from the setting of environmental flows.
- Content is key! To avoid the 'vacuum of silence' we have to ensure that we are keeping the online flow of information alive. Whether this is by providing engaging content or profiling opinions, concerns from the community.
- Provides people with the option of how they want to engage with us on their terms.
  - Tell your story, Map your ideas, Take a survey
- Content management tool
- Allows for overview information to have more prominence
  - Filter to specific Min flow work – eg Manuherikia
  - Filter further into Deemed Permit info and 417 certificate
- Allow for comment moderation on threads, and profiling of particular ideas, suggestions from the community as we work through this.
- Measure what values the community endorses through comments and responses. How many people share the same opinion and what aspects of this work are particularly contentious or supported.
- Highlights timeframes for each piece of work, and a live reflection on which stage we're at.

- Will help to educate public different between feedback and submission.
- FAQs
- Monthly email/newsletter can be published online and distributed to users who register
- Excellent tool for phase one – value setting. Provides efficiency by removing the need for face-to-face consultation at the early stages
- Regular summaries, updates and media releases published
- Info graphics to be published online to highlight modelling scenarios and what each level protects or allows for, particularly for Manuherikia

## Communication channels/tools

Below is a list of recommended communication methods:

- EngagementHQ as primary engagement platform
- Media releases
- Waterlines
- On-stream
- Present whole min flow work programme at events like Field Days, A&P shows.
- Incentivise engagement – draw/promotions for completing surveys.
- Community reference groups
- Public meetings/community events/workshops.
  - There is value in collaboration with local organisations and associations to present to catchment communities and to draw an appropriate crowd
  - This can also include industry events/meetings, field days, other ORC meetings/events
  - Start doing a Roadshow for various ORC activities
- Social media
- Print media (Otago Daily Times, community newspapers, etc.)
- Radio advertising
- Flyer drop
- Linking with the work that the liaison team are doing in the catchment.

Annual events to target, for all stages. Creation of large map that indicates activity and progress across the region would be ideal.

- A&P shows
- Field Days
- Irrigation conference – April 2018

## Media releases

- Pre-emptive MRs to coincide with public sessions
- MRs promote new information and stages of plan change
- Potential editorial piece from Sarah which explains Min flows 101
- Technical reports – implications for minimum flow limits for notification as reports are completed

## MR approval chain

1. Drafted by comms
2. Checked by project lead

3. Copy to councillors or staff who are quoted
4. Project lead to determine whether to send to Director of Policy and Planning for approval
5. Inform key internal stakeholders
6. Send to Media Advisor to send to media, councillors and any other key parties

### **Group emails letters to stakeholders**

1. Drafted by comms
2. Checked by project lead
3. Advise Director of Policy and Planning of mail out (determine if they need to see it and under whose signature block it is to be sent out under)
4. Send to Policy Manager for Approval
5. If required signed off by Director Policy and Planning
6. Resource Management Technical Officer to send out

## **Feedback channels and measurement**

Community engagement can be measured by:

- Media hits
- Feedback from the community (both formal and informal)
- Participation in consultation sessions
- Website analytics

Standard reporting to council will also provide an opportunity to report on progress and this can also be communicated to the Otago public.

Key organisations/people to involve:

- Relevant ORC staff
- Councillors

## **Where to start**

- Create a mock-up of Minimum Flows site on EngagementHQ to present to Council in March
- Key messages
- Re-connect with CODC
- Draft re-connect email/letter
- Plan for Irrigation conference in Alexandra in April 2018.

## **Future opportunities**

- A video campaign should help raise the profile of Environmental Flows. We need to aim to intrigue and promote ecological benefits if we are to engage a wide spectrum of the population so they have a general understanding of minimum flows. Collaborating with other regional councils should be explored as an option for sharing high-level communications. This may help reduce the negative perceptions of ORC by promoting a shared national approach, while also reducing cost.
- Evergreen comms package as a basis for future minimum flow work.

- The end-goal of an engagement package that sits alongside water quality plan changes is vital to get a broader spectrum of the population engaging.

## **Appendix**

### **Minimum flows plan change – significant communications activity**

**23 May** – EngagementHQ website published

**23 May** – MR – New approach to minimum flows

**7, 11 June** – **Community Information Sessions held in Dunedin and Cromwell**

**18 June** – MR – ORC commits to community meeting on minimum flows

**22 June** – Updates from community information sessions published on EngagementHQ – video clips of presentation, presentation pdf and meeting summary

**3 July** – **Arrow Science Session**

**5 July** – **Media advisory** – outlining updates to EngagementHQ website

**5 July** – All stakeholders emailed to promote website updates

**18 July** – **Manuherikia Science Session**

**19 July** – MR – ORC staff hold science discussions with Manuherikia catchment

**8 July** – **Upper Cardrona Science Session**

**9-10 Aug** – **Manuherikia minimum flows ‘CE Appointment’ sessions**

Document Id: A1152444

## MEMORANDUM

**To:** Tanya Winter (Director Policy, Planning and Resource Management)

**Copy To:** Anita Dawe (Acting Policy and Planning Manager); Lisa Hawkins (Senior Policy Analyst – Project lead)

**From:** Tom De Pelsemaeker

**Date:** 6/09/2018

**Re:** Extending the scope of the Priority Catchments Minimum Flows Plan Change to include the Lower Cardrona

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### Précis

The Priority Catchment Minimum Flows Plan Change (the Plan Change) proposes to set a minimum flow in Schedule 2A of the Water Plan at the Mt Barker flow monitoring site. The setting of a minimum flow for the Lower Cardrona River is currently outside of the scope of this Plan Change.

Under the current Plan Change proposal surface water takes upstream of Mt Barker and groundwater takes from the Cardrona Alluvial Ribbon Aquifer will be subject to the Mt Barker minimum flow, but no water take restrictions are proposed for water users below Mt Barker.

Various stakeholders, including the water users in the lower and upper parts of Cardrona catchment, have been advocating for a more integrated approach towards the management of the interconnected water resources of the Cardrona catchment and Wanaka Flats area. They consider that including the Lower Cardrona within the scope of the Plan Change will allow for a more equitable approach to the management of the catchment's water resources and will provide greater clarity around the future restrictions on water use in the Lower Cardrona catchment and on the Wanaka Basin.

Recent discussions with iwi also indicate that tangata whenau oppose the splitting of the catchment because it is inconsistent with the *ki uta ki tai* (Mountains to Sea) approach to freshwater management and because it does not look after the cultural values (e.g. mahika kai) and recreational values supported by the Lower Cardrona.

### Brief description of the Upper and Lower Cardrona

The term "Upper Cardrona catchment" refers to the part of the catchment located above the Mt Barker flow monitoring site. The river reach that stretches along this part of the catchment is often described as the "neutral reach". Flows in this reach are relatively stable with little flow loss or gain from the connected Cardrona Alluvial Ribbon Aquifer (which is located between Mt Barker and Cardrona Township).

The term "Lower Cardrona catchment" refers to the part of the catchment below Mt Barker. Here the river is characterized by two distinct reaches:



- **A “losing” reach between the Mt Barker and State Highway (SH6).** In this reach the Cardrona loses a significant portion of its surface flow to the Wanaka Basin-Cardrona Gravel Aquifer (WBCGA). In turn, the aquifer discharges groundwater back into the Lower Cardrona below SH 6 and Bullock Creek.
- **A “gaining” reach between SH 6 and the Clutha confluence.** In this reach groundwater inflows from the WBCGA ensure a baseflow of approximately 300 L/s in the Lower Cardrona below SH 6.

#### **Limitations of the Mount Barker minimum flow site for managing the Lower Cardrona**

The minimum flow at Mt Barker is an effective tool for managing the ecosystem health and other values (e.g. recreational, instream, cultural) in the Cardrona main stem upstream of Mt Barker and the health of the Cardrona Alluvial Ribbon Aquifer.

Unfortunately, the setting of a minimum flow at Mt Barker is not adequate for managing values and ecosystem health of the Lower Cardrona River due to its naturally drying reach.

The findings from technical investigations into the groundwater and surface water hydrology of the Lower Cardrona suggest that flows in the Lower Cardrona River below SH6 are primarily sustained by groundwater inflows from the WBCGA. Therefore, the management of the Lower Cardrona is likely to require a combination of the following “management tools”:

- a **minimum flow at the Confluence flow monitoring site** in Schedule 2A of the Water Plan to restrict surface water takes (and connected groundwater takes) between SH 6 and the Confluence with the Clutha.
- a **maximum allocation limit (MAL) for the WBCGA** in Schedule 4A of the Water Plan, to avoiding any further groundwater allocation from the aquifer.
- **residual flow conditions on consents to take surface water and connected groundwater** from the Cardrona between Mt Barker and SH 6 (if required), to help maintaining groundwater levels by ensuring surface water inflows into the aquifer.

A plan change is process is required to set a minimum flow for the Lower Cardrona in Water Plan Schedule 2A and to set a MAL for the WBCGA in Water Plan Schedule 4A. The setting of residual flow conditions on consents to take surface water and connected groundwater from the Cardrona between Mt Barker and SH 6, however, is done through a process of reviewing the conditions of existing water permits (under RMA S128) or during the consent renewal process.

#### **Options for managing the water resources of the Lower Cardrona**

Three options are considered for managing the water resources of the Lower Cardrona.

- Option 1: Status Quo - Progressing the Priority Catchments Minimum Flows Plan Change as agreed, while deferring the notification of a plan change for the management of surface water and groundwater in the Lower Cardrona and the WBCGA to a later date yet to be determined.
- Option 2: Widening the scope of the Priority Catchments Minimum Flows Plan Change to include the management of surface water and groundwater in the Lower Cardrona and WBCGA.
- Option 3: Developing a separate plan change for the management of surface water and groundwater in the Lower Cardrona and WBCGA to be notified at the same time or very near to as the Priority Catchments Minimum Flows Plan Change.

The table below sets out the implications of all three options in terms of the scope of the Priority Catchments Minimum Flows Plan Change.

Option	Priority Catchments Minimum Flows Plan Change	
	Matters within scope	Matters outside scope
Option 1 & Option 3	<ul style="list-style-type: none"> <li>Minimum flows for the Upper Cardrona, Arrow and Manuherikia catchments</li> </ul>	<ul style="list-style-type: none"> <li>Minimum flows for the Lower Cardrona</li> <li>MALs for aquifers in the Manuherikia, Arrow and Cardrona catchments</li> <li>Primary allocation limits (PALs) for Cardrona, Arrow and Manuherikia catchments</li> <li>Freshwater Management Units (FMUs) &amp; Freshwater objectives</li> </ul>
Option 2	<ul style="list-style-type: none"> <li>Minimum Flows for the Upper and Lower Cardrona, Arrow and Manuherikia catchments</li> <li>MAL for the WBCGA</li> </ul>	<ul style="list-style-type: none"> <li>MALs for aquifers in the Manuherikia and Arrow catchments</li> <li>PALs for Cardrona, Arrow and Manuherikia catchments</li> <li>FMU &amp; Freshwater objectives</li> </ul>

**Reasons for extending the scope of the Plan Change to include the management of the surface water and groundwater resources of the Lower Cardrona.**

There are various benefits to extending the scope of the Plan Change to include the setting of a minimum flow for the Lower Cardrona and a MAL for the WBCGA in Water Plan Schedules 2A and 4A. These are described below:

**1. Groundwater level decline and flow loss in the Lower Cardrona and Bullock Creek**

Recent investigations suggest that the WBCGA is currently over-allocated from an environmental perspective. A decline in groundwater levels can be observed both within the irrigation period and across recent years. This decline has the potential to impact on groundwater bore yield and on the surface flows in the Lower Cardrona and Bullock Creek.<sup>1</sup> Setting a MAL for the WBCGA in Water Plan Schedule 4A will assist with reversing the trend of declining groundwater levels and reduces the risk of adverse impacts on and ecosystems and other values in the Lower Cardrona and Bullock Creek.

**2. Risk of further overallocation from the aquifer**

Although the current level of abstraction is already having a negative impact on the health of the WBCGA, the aquifer is technically not fully allocated under the provisions of the Water Plan. Hence more consents can be granted to take water from this aquifer.<sup>2</sup>

**3. Science work is expected to be finalised soon**

Further work is currently being undertaken to determine an appropriate MAL for the WBCGA and to evaluate the effectiveness of residual flow restrictions on water takes. This work is scheduled to be completed in early October.

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<sup>1</sup> Technical investigations indicate that the current baseflow in the Lower Cardrona at the Clutha Confluence approximately 300 L/s can decline by up to 115 L/s if actual water taking from the WBCGA were to increase from the current level of groundwater abstraction of less than 2Mm<sup>3</sup>/yr to 5Mm<sup>3</sup>/yr.

<sup>2</sup> The MAL for the WBCGA is currently set by “default” as 50% of the aquifer’s Mean Annual Recharge (MAR) under Policy 6.4.10A2(b) of the Water Plan. The aquifer’s default MAL is 19.25Mm<sup>3</sup>/yr.

Total allocation from the WBCGA is currently 12.6Mm<sup>3</sup>/yr, which means that a further 6.65Mm<sup>3</sup>/yr can be allocated from this aquifer.

#### **4. Cost efficiencies and synergies in undertaking technical work**

Economic and social studies to look at the impacts of a minimum flow at Mt Barker are currently underway. Widening the scope of these studies to consider the impacts of setting restrictions and limits on water taking in the Lower Cardrona is likely to be more cost-effective than undertaking separate studies in support of a future plan change. Further financial benefits are likely to arise as a result of removing the need to notify a separate plan change for managing the Lower Cardrona at later stage.

#### **5. Increased stakeholder buy-in**

Progressing changes to the Water Plan that seek to futureproof the management of the water resources of the Lower Cardrona is likely to be supported by tangata whenau and the local community. Addressing the management of the surface water and groundwater resources of the Upper and Lower Cardrona together through one plan change promotes a more holistic approach to resource management and will provide greater clarity around future restrictions for water users in all parts of the catchment.

### **Potential risks and costs to extending the scope of the Plan Change.**

#### **1. Increased calls for widening the scope of the Plan Change**

Extending the scope of the Plan Change to include the management of the surface water and groundwater resources of the Lower Cardrona creates a risk that that stakeholders in other catchments will advocate to widen the scope of the Plan Change to include setting maximum allocation limits for the aquifers in the Wakatipu basin or Manuhereki Catchment or primary allocation limits for surface water.

#### **2. Risk to timeframes**

At this stage extending the scope of the Plan Change to include the management of the surface water and groundwater resources of the Lower Cardrona is not anticipated to impact on the timeframe for notifying the Plan Change. However, the extended scope will require additional technical work to be undertaken to assess water availability in the lower Cardrona and evaluate the economic and social impacts of water take restrictions on water users in the Lower Cardrona. This additional work increases the risk of future delays to the timeframe for notifying the Plan Change.

### **Other important considerations**

To fully address the risks to the ecosystem health and other values in the Cardrona main stem downstream of SH6 and the health of the WBCGA, other actions outside the plan change process will or may be required. These actions include:

- the setting of residual flow conditions on consents to take surface water and connected groundwater from the Cardrona River between Mt Barker and SH 6. (This can be done through the deemed permit and consent renewal process.)
- the (collective) review of resource consents to take groundwater from the WBCGA to limit the allocation volumes to reflect current water use and eliminate unused ("paper") allocation. (This can be done through the consent review process set out under RMA S128(1)(b).)

On 5/09/2018, at 5:00 PM, Michael Laws | The Message <[michael@themessage.nz](mailto:michael@themessage.nz)> wrote:

Dear Chairman Gretchen

As requested, I provide a summary paper to accompany the Notice of Motion to go before next week's Policy Committee on the minimum flow proposal for the Arrow, Cardrona and Manuherikia catchments.

## **BACKGROUND PAPER**

The ORC has contended that the proposed minimum flow plan change is different in intent and scope from/to the National Policy Statement on Freshwater Management (NPS) and that the former is required now to deal with the deemed permits issue - when these expire in 2021.

The NPSFM can wait until 2025. Hence the dislocation of minimum flow from water allocation.

I believe that the council has an obligation to implement the NPSFM, and the ORC's own position is that the Regional Plan Water (RPW) is aligned with the implementing the NPSFM (Council: Feb 2017).

The NPSFM directs the setting of Environmental Flows. Environmental Flows must have a minimum flow and allocation limit (NIWA report 2016).

The NPSFM has a list of objectives that must be considered in this process that are entirely consistent with the matters that must be considered under the RPW. The tools to manage the effects of taking water are currently available in the appropriate planning documents. ORC has managed to set Environmental Flows (minimum flow and allocation limits) over the years, most recently for the Waiwera and Pomahaka Rivers.

The assessment of the relevance of the NPSFM in the Lindis Decision is robust and should be applied in the current plan change.

The affected catchments and their communities require certainty. It is inequitable to impose two plan changes over the next four years when one complete plan change will suffice. There are lives, livelihoods and entire regional economies based upon the ORC getting this right.

The Chief Executive has discussed granting consents for just 10 years. Currently catchment and sub-catchment groups are investing hundreds of thousands of dollars on developing group managed water approaches as promoted by ORC under Plan Change 1C. These include sharing and residual flow regimes.

These processes are costly (Kye Burn recently cited upwards of \$600k) and ORC is perceived as having predetermined that these groups will get 10-year consents going forward. Council is asking these communities to go through two significant plan changes which are clearly co-dependant when assessing the effects and then asking consent holders to also go through two consenting processes. Consent holders will have to invest heavily in the consent renewal process to meet the RPW's requirements

knowing the ORC seems to have predetermined the consent period outcome will be 10 years.

If council notifies a minimum flow alone in May 2019 (best current staff estimate). The chances of it developing through the policy process (including the inevitable court mediation/hearing) puts the current minimum flow plan change completion at early 2023. The Lindis was notified in May 2015. It will be heard by the court in November 2018, a court decision isn't expected till early 2019. Almost four (4) years.

ORC should set minimum flows and allocation limits which give certainty to all parties. This will allow the renewal of consents to have sufficient terms to allow investment in good infrastructure and allow investment in infrastructure changes that are required to deliver good environmental outcomes.

In the case of the Manuherikia, the catchment will continue to voluntarily maintain flows until the process determines the appropriate catchment management objectives, FMU(s), minimum flow and allocation limit. 2021 is, with respect, a red herring. The ORC can renew consents with no minimum flow subject to a review when one is set through the appropriate process. They currently do this in catchments like the Taieri.

2. The current indicative minimum flow figures are flawed as they did not account for social, economic or cultural effects. They should never have been published given the absence of supporting science. They indicate a good element of predetermination. There is no current empirical evidence that an environmental problem currently exists, especially in the self-regulating Manuherikia catchment.

3. The 3,200 litres/sec allocation limit is also irrelevant. It's outdated and flawed and has not been implemented by the ORC because its contradicted elsewhere in the ORC's water plan. Ipso facto, it can't serve as any foundation for either allocation or minimum flow issues. The 3,200 l/s limit was also set with no empirical data. That data is now available due to water metering and it should be reviewed as part of this process.

Cr Michael Laws