

POLICY COMMITTEE AGENDA

Thursday 18 October 2018

1:00 pm, Council Chamber, Level 2 Philip Laing House, 144 Rattray Street, Dunedin

Membership

Cr Gretchen Robertson Cr Michael Laws 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

(Chairperson) (Deputy Chairperson)

Disclaimer

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

For our future

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Minutes of a meeting of the Policy Committee held in the Council Chamber at Philip Laing House, Dunedin on Thursday 13 September, commencing at 1:00pm

Membership

Cr Gretchen Robertson (Chairperson) Cr Michale Laws (Deputy Chairperson) Cr Graeme Bell Cr Doug Bornw Cr Michael Deaker Cr Carmen Hope Cr Trevor Kempton Cr Ella Lawton Cr Ella Lawton Cr Sam Neill Cr Andrew Noone Cr Bryan Scott Cr Stephen Woodhead

1. APOLOGIES

Cr Robertson welcomed staff, media and public presenters to the meeting of the Policy Committee.

Resolution

That the apologies for Cr Deaker be accepted.

Moved: Cr Hope Seconded: Cr Lawton CARRIED

2. LEAVE OF ABSENCE

No Leave of Absence advised.

3. ATTENDANCE

Sarah Gardner	(Chief Executive)
Nick Donnelly	(Director Corporate Services)
Tanya Winter	(Director Policy, Planning and Resource Management)
Sian Sutton	(Director Stakeholder Engagement)
Gavin Palmer	(Director Engineering, Hazards and Science)
Scott MacLean	(Director Environmental Monitoring and Operations)
Sally Giddens	(Director People and Safety)
lan McCabe	(Executive Officer)
Lauren McDonald	(Committee Secretary)
Anita Dawe	(Policy Planning Manager) - Item 10.2
Lisa Hawkins	(Senior Policy Analyst) - Item 10.2

4. CONFIRMATION OF AGENDA

That the agenda order today will be Items 10.1 and 10.2 be handled in tandem to the Notice of Motion and accompanying paper, followed by Items 11.1 and 11.2.

Moved: Cr Robertson Seconded: Cr Hope CARRIED Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting. **Resolution**

Move the order today will be Items 10.1 and 10.2 handled in tandem to the Notice of Motion and accompanying paper, then items 11.1 and 11.2.

Moved: Cr Robertson Seconded: Cr Hope CARRIED

5. CONFLICT OF INTEREST

Cr Bell advised a conflict of interest in regard to his brother Murray Bell, who had submitted a letter of support to the Notice of Motion. He advised he is also a trustee of his brother's property on Rockside Road.

Cr Robertson responded that as it was not a hearing, there was no conflict for Cr Bell to sit aside from discussion on.

6. PUBLIC FORUM

Cr Robertson moved that due to the number of speakers to Public Forum that the Standing Orders be relaxed from the time restriction of 30 minutes. Seconded Cr Laws CARRIED.

Mr Niall Watson, Otago Fish and Game Council in regard to the Notice of Motion for Item 10.2 - Minimum Flow Plan Change.

Mr Watson advised he supported the recommendations for item 10.2 of the agenda. He saw the need to notify the flows for the Manuherikia, Arrow and Cardrona catchments without delay as it was in the community interests for the environment of the rivers. He felt the issue of water allocation could be addressed subsequent to the setting of the minimum flows.

Minimum flow plan change for priority catchment

Speakers:

- Ms Sally Dicey on behalf of Ms Susie McKeague, McKeague Consultancy in regard to the Minimum Flows for priority catchments.
- Mrs Anna Gillespie, Omakau Area irrigator
- Mr Hamish Stratford, Manuherikia resident
- Mr Don Malcolm, Dunstan Creek irrigator
- Mr Geoff Crutchley, Otago Water Resource Users Group

Ms Sally Dicey read out a statement on behalf of Ms Susie McKeague, McKeague Consultancy in regard to concerns for the Minimum Flows for Priority Catchments report. She acknowledged the individuals and groups in attendance at public forum due to their level of concern. Concerns included:

- Lack of context and inform of the staff papers on the minimum flow plan change.
- Felt ORC had predetermined the process without conversation (including hydrology work).
- Sought more robust science information
- Sought for a process to be done once and in alignment with the NPS.
- Felt focus on the minimum flow only for the deemed permits expiry in 2021 was not the correct approach, relevant but not impacting on the minimum flow setting.

- Community want 1 plan change and 1 consent replacement process. Believed ORC complicating it with multi plan changes. Felt it was a flawed approach.
- Felt there was a critical link between allocation and minimum flows.

In summary, sought a collaborative approach with ORC and that any Plan Change needed to be in accordance with the NPS and on a Freshwater Management Unit, catchment by catchment basis. The desire is to work together with Council, rather than against each other.

Mrs Anna Gillespie, Omakau Area irrigator, Secretary of Lauder Water Management group (17 farmer members, formed in July 2017 to collectively worked together to apply for consent management).

She sought acknowledgement by councillors of the major investment made by landowners in modern infrastructure for the efficient use of water. She advised her concern that ORC was making an uninformed decision, without the science information required.

Mr Hamish Stratford, Manuherikia Valley resident.

Read a statement on his view of community as 'common union' - working together for greater good. He advised that water and farming sustained the communities. Investment on latest technology for efficient application of water and nutrients on farm were being made. He sought surety of water supply for the future. He felt ORC has had some pre-determination on the minimum flow setting. He spoke on social, health and mental well-being impacts on the community. Major concern for bank loan assurety for loans on a short-term consents process.

Cr Laws left the meeting at 01:48 pm.

Mr Don Malcolm, Dunstan Creek irrigator and fourth generation farmer.

Read out a statement in regard to Dunstan Creek. He felt that 80% of Dunstan Creek was unaffected by water extraction (with no environmental danger) and that the proposed Minimum flow for Dunstan Creek would mean irrigators will be unable to irrigate for 50% of the season, and that Dunstan Creek would provide half of the minimum flow set for the camping ground. He stated that Dunstan Creek irrigators have extensive farms and had invested heavily in new sprayers and effective irrigation, the costs of which were very high. He believe planners had made a biased opinion. He asked that as ORC were the architects of the water plan, that they slow down and 'get it right'.

Mr Geoff Crutchley, Manuherikia Irrigation Company, Chair of Upper Taieri Water Management Group, Chair of Kyeburn Catchment Co.

He advised that the Minimum Flows had massive implications for the community and environment. He commented that ORC must remain impartial and needed to respect facts of history and science, rather than resource or compliance records. The community expected ORC to be a resource of information to improve issues. He saw major mistakes in the suggestion of allocation of 3.2 cumecs in Manukerikia, which stemmed from poor process by the ORC. He advised he felt over-allocation was misunderstand by governance and staff especially in regard to surface water. He commented that over-allocation was a problem for farmers to manage, that it had no effect on the environment and the communities Cr Robertson thanked the attendees and speakers to the public forum, she recognised it was a busy time and the experience of those in the room and appreciate their time and information shared.

Public Forum concluded at 2:05 pm.

7. PRESENTATIONS

No presentations were held.

8. CONFIRMATION OF MINUTES

Resolution

That the minutes of the meeting held on 1 August 2018 be received and confirmed as a true and accurate record.

Moved: Cr Hope Seconded: Cr Noone CARRIED

9. ACTIONS

Actions to be completed from 13 June meeting:

- Air Quality Strategy That a paper on implementation be brought to the Policy Committee in the next 2-3 months
- Draft Biodiversity Strategy Feedback. That a paper on implementation be brought to the Policy Committee in the next 2-3 months. (Implementation plan to be provided to the October meeting round)

Actions to be completed from the 1 August meeting:

• Minimum Flow Plan Change Update. That the CEO engage an appropriately qualified facilitator to help consultation associated with Priority Catchments Minimum Flows and Residual Flow Plan Change. (Mrs Gardner advised this action was in process, with a facilitator to be appointed.

Action closed from 1 August meeting:

• Minimum Flow Plan Change Update - 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. Item 10.2 of the agenda.

10. MATTERS FOR COUNCIL DECISION 10.1. 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.

Staff in attendance: Lisa Hawkins, Senior Policy Analyst and Anita Dawe, Policy Planning Manager

Resolution

That Council:

- 1) **Receive** this report.
- 2) **Note** this report.

Moved: Cr Woodhead Seconded: Cr Noone CARRIED

10.2. Minimum Flows for priority catchment - scope and process and overview of Regional Plan Water Review

Notice of Motion from Cr Laws taken in conjunction with the paper. Staff in attendance from the Policy, Planning and Resource Management Directorate.

The report outlined the Council process undertaken for setting of minimum flows for the Manuherikia, Cardrona and Arrow Catchments. The report also advised the plan change process resulting in the three catchments combining into one plan change, the Priority Catchments Minimum Flow Plan Change (Plan Change). The report clarified the process and scope of the Priority Catchments Minimum Flow Plan Change and its context in the broader Water Plan Review and its compliance with the National Policy Statement for Freshwater Management (NPSFWM).

Ms Winter, Director Policy, Planning and Resource Management spoke to the key objectives of the plan change and challenges being faced:

- The Manuherikia, Cardrona and Arrow catchments have a large number of Deemed Permits expiring in 2021
- The Regional Plan: Water became operative in 2004 and is overdue for review
- Draft Implementation Plan required to prepared by December 2018 to demonstrate effect to the National Policy Statement (NPS)
- Requirement to be compliant to the NPSFWM by 2025.
- Responsiveness to Central Government focus on freshwater and proposed new National Policy Statement on ecological flows.

Mrs Hawkins, Senior Policy Analyst advised that the report sought to address the scope of the plan change, introduce the Water Plan review, and that the purpose of the plan change was to provide consistency and certainty for deemed permits and resource consents. She advised the plan change was not giving effect to the National

Policy Statement but was taking a staged approach for implementation, ahead of the 2025 deadline. She confirmed that the objectives included ecological, social and cultural elements. Mrs Dawe, Planning Manager outlined what the Water Plan Review would encompass, such as review of the existing provisions in the plan, grouping of alike water bodies and setting classification for these water bodies and the setting of objectives and targets.

A question was raised in regard to deemed permits expiring before the plan change became operational. Mrs Dawe advised under the Resource Management Act that Council was required to give legal affect to the Plan Change from the date of notification and it would be used for replacement of deemed permits. She confirmed that staff would consider both the operative and notified plan change.

Cr Scott moved and Cr Woodhead seconded the report recommendations.

- a) That Council approves the scope of the Minimum Flows Plan Change for Priority Catchments, with a focus (on an interim basis recognising recommendation 3 below) relating to accommodating the transition from deemed permits to resource consents until Council gives full effect to the NPSFM. The scope is set out below:
 - Sets minimum flows for the catchments of Arrow, Cardrona and Manuherikia to provide consistency for the transition from Deemed Permits to RMA consents and make associated consequential changes to the plan.
 - Updates residual flow policies within the Regional Plan Water.
 - Incorporates the Lower Cardrona into the plan change.
 - Ensures all necessary technical and specialist work is completed prior to notification.
- b) That the plan is notified by June 2019.
- c) That planning for a review of the Regional Plan Water continues and a work program is prepared for Council approval, including the Progressive Implementation Plan for National Policy Statement for Freshwater Management compliance by 31st December 2018.

Cr Woodhead provided clarification of the allocation limits within the Water Plan schedules and the provisions in place for conversion from deemed permits to consents. He acknowledged as Chairman the significant change, with difficult transitions being faced, due to the reality of deemed permits expiring in 2021.

He offered his apology for the inference in the report that the community had not managed the Manuherikia River appropriately re the voluntary minimum flow at the camping ground, quoted as "often not achieved there". He stated this was not accurate and he apologised for the interference. He clarified that there was no intention in the process to review the allocation limit for the Manuherikia in the short to medium term. He concluded that it was critical for the deemed permits to be processed on time as the Minister for the Environment had advised there would be no time extension, and that Council had the obligation to have minimum flow in place to safe guard the ecological system. Concern was expressed by councillors, including;

- staff not fully understanding water allocation management in the Manuherikia catchment
- economic consequences to the region
- time pressure now in place due to deemed permit expiry in 2021.
- the need for better consultation/collaboration with the affected communities (to get on the "same page")
- environmental/ecological threats not fully explained by staff
- need to understand the impact of current water use

The meeting adjourned at 3:24 pm and recommenced at 3:30 pm.

Resolution

- a) That Council approves the scope of the Minimum Flows Plan Change for Priority Catchments, with a focus (on an interim basis recognising recommendation 3 below) relating to accommodating the transition from deemed permits to resource consents until Council gives full effect to the NPSFM. The scope is set out below:
 - Sets minimum flows for the catchments of Arrow, Cardrona and Manuherikia to provide consistency for the transition from Deemed Permits to RMA consents and make associated consequential changes to the plan.
 - Updates residual flow policies within the Regional Plan Water.
 - Incorporates the Lower Cardrona into the plan change.
 - Ensures all necessary technical and specialist work is completed prior to notification.
- b) That the plan is notified by June 2019.
- c) That planning for a review of the Regional Plan Water continues and a work program is prepared for Council approval, including the Progressive Implementation Plan for National Policy Statement for Freshwater Management compliance by 31st December 2018.

Moved: Cr Scott Seconded: Cr Woodhead

A division was called:

Vote

For:Cr Brown, Cr Kempton, Cr Robertson, Cr Scott, Cr WoodheadAgainst:Cr Bell, Cr Hope, Cr Laws, Cr Lawton, Cr Neill, Cr NooneAbstained: nil

The Motion was lost (Vote 6 against/5 in favour)

Cr Laws moved the recommendations from the Notice of Motion, that:

" For the purposes of ensuring both constructive policy-making and good faith communications with those most likely to be adversely affected by any proposed plan change relating to imposing minimum flows upon the Arrow, Cardrona and Manuherikia catchments;

1. That any proposed minimum flow change follow the full process outlined in the National Policy Statement on Freshwater Management. This to include identifying appropriate Freshwater Management Unit's (FMU's), catchment management objectives, environmental flows and allocation limits;

2. That water allocation limits for the above catchments also be included in any proposed plan change;

3. That the historical Schedule 2A primary allocation limit of 3,200 litres/second for the Manuherikia catchment be disregarded as a policy goal, and the allocation for that catchment be considered only <u>after</u> all the required scientific, hydrology, economic, social and environmental reports are collated."

Resolution

"For the purposes of ensuring both constructive policy-making and good faith communications with those most likely to be adversely affected by any proposed plan change relating to imposing minimum flows upon the Arrow, Cardrona and Manuherikia catchments;

- 1. That any proposed minimum flow change follow the full process outlined in the National Policy Statement on Freshwater Management. This to include identifying appropriate Freshwater Management Unit's (FMU's), catchment management objectives, environmental flows and allocation limits;
- 2. That water allocation limits for the above catchments also be included in any proposed plan change;

Moved: Cr Laws Seconded: Cr Bell CARRIED

A division was called:

Vote

For: Cr Bell, Cr Hope, Cr Kempton, Cr Laws, Cr Lawton, Cr Neill, Cr Noone Against: Cr Brown, Cr Kempton, Cr Robertson, Cr Scott, Cr Woodhead

Motion 3. was retracted by Cr Laws

3. That the historical Schedule 2A primary allocation limit of 3,200 litres/second for the Manuherikia catchment be disregarded as a policy goal, and the allocation for that catchment be considered only <u>after</u> all the required scientific, hydrology, economic, social and environmental reports are collated."

11. MATTERS FOR NOTING 11.1. Director's Report on Progress

Cr Noone left the meeting at 04:04 pm. *Cr* Hope left the meeting at 04:04 pm.

The report detailed the national and ORC policies, strategies and plans; water plans and reviews with the reporting period to 17 August 2018.

Cr Laws left the meeting at 04:11 pm and returned at 04:13 pm. Cr Bell left the meeting at 04:15 pm.

Resolution

a) That this report be noted.

Moved: Cr Woodhead Seconded: Cr Brown CARRIED

11.2. Report on Land and Water Forum advice May 2018

The report provided a summary of the Land and Water Forum (LAWF) report, and proposed a number of staff recommendations that if adopted by Central Government, would have a range of implications for the work programme of the Otago Regional Council.

Mrs Dawe advised the key message from the LAWF report was identifying risk catchments, based on the State of the Environment data, and completing an action plan for what can be done better and faster by councils and central government.

Cr Laws left the meeting at 04:25 pm.

Resolution

1) This report be received and noted.

Moved: Cr Woodhead Seconded: Cr Brown CARRIED

12. NOTICES OF MOTION

The Notice of Motion was addressed with agenda item 10.2 - Minimum Flows for priority catchment - scope and process and overview of Regional Plan Water Review.

13. CLOSURE

The meeting was declared closed at 04:30 pm.

Chairperson

RECOMMENDATIONS FOR COUNCIL DECISION

- 10.1. Biodiversity Action Plan
 - Recommendation:

That the Committee:

a) **Approve** the draft Biodiversity Action Plan in Attachment 2 for consultation with iwi and key stakeholders before a final draft is brought back to this committee for approval on 28 November 2018.

1. APOLOGIES

2. LEAVE OF ABSENCE

3. ATTENDANCE

4. CONFIRMATION OF AGENDA

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

5. CONFLICT OF INTEREST

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

6. PUBLIC FORUM

7. PRESENTATIONS

8. CONFIRMATION OF MINUTES

Recommendation

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

Attachments

1. Minutes of Policy Committee 13 Sep 2018 [8.1.1]

9. ACTIONS

Status report on the resolutions of the Policy Committee.

Amendment 2 (National Environmental Standards for Plantation Forestry) to the Regional Plan: Water for Otago	13/06/2018	 b) Make Amendment 2 (NES Plantation Forestry) operative from 1 July 2018. c) Publicly notify Amendment 2 (NES Plantation Forestry) on Saturday 30 June 2018 	OPEN
Air Quality Strategy	13/06/2018	c) That a paper on implementation be brought to the Policy Committee in the next 2-3 months	OPEN

Draft Biodiversity Strategy - Feedback	13/6/2018	c) That a paper on implementation be brought to the Policy Committee in the next 2-3 months	
Director's Report on Progress to 13 June 2018 Minimum Flow Plan Change Manuherikia, Arrow and Upper Cardrona catchments	13/6/2018	a) 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.	
Minimum Flow Plan Change Update	1/8/18	That the CEO engage an appropriately qualified facilitator to help consultation associated with Priority Catchments Minimum Flows and Residual Flow Plan Change. (Mrs Gardner advised this action was in process, with a facilitator to be appointed.	

Attachments

Nil

10. MATTERS FOR COUNCIL DECISION

10.1. Biodiversity Action Plan

Prepared for:	Policy Committee
Report No.	PPRM1832
Activity:	Regulatory: Policy Development
Prepared by:	Rachael Brown, Senior Policy Analyst
Date:	21 September 2018

1. Précis

This report seeks approval to discuss the Council's draft *Biodiversity Action Plan/ Te Mahi hei Tiaki i te Koiora* with Rūnaka and key stakeholders, to seek targeted feedback, before the plan is approved by the Council.

2. Background

2.1. Biodiversity strategy

On 13 June 2018, this committee approved the Council's inaugural biodiversity strategy, *Our Living Treasure/ Tō tātou Koiora Taoka* (Attachment 1) and requested that a report on its implementation be brought back to the committee for approval.

The strategy was developed in consultation with iwi, a wide range of agencies and nongovernmental organisations (NGOs), and communities. Consultation indicated that there is widespread support for the Council taking a stronger role in strategic leadership and coordination and in active management to maintain, protect and enhance Otago's biodiversity.

The strategy is largely intended to improve biodiversity outcomes through support for community-based programmes and by addressing gaps in areas where biodiversity work isn't currently a focus. Its key objectives are:

- to maintain all indigenous species and ecosystems;
- to enhance threatened indigenous species and ecosystems;
- that people are aware and proud of Otago's biodiversity;
- that Kai Tahu's role as kaitiaki is acknowledged and supported; and
- that Otago's biodiversity adds value to the regional economy.

2.2. Priority actions and expected outcomes

The action plan sets out how the Council will implement its biodiversity strategy. It expands on the actions in the strategy and sets out priorities, interdependencies and next steps. The five priority actions (see Table 1 below) will provide a strong foundation for protecting biodiversity in Otago that we can build on into the future.

Action 1 will set out a clear pathway to manage pests in Otago in a coordinated and efficient manner.

Actions 2 and 4 will provide baseline information regarding what biodiversity is currently in Otago and which species and ecosystem types are most threatened. This will assist with discussions about prioritisation.

Action 2 will also provide for the mapping of areas of significant indigenous vegetation and significant habitats of indigenous fauna.¹

By establishing ongoing mechanisms for regional coordination, **Action 3** will enable rūnaka, agencies, NGOs and land owners to work together more effectively towards a common plan with shared goals and priorities for biodiversity protection.

Action 4 will enable us to track progress over time on maintaining and enhancing biodiversity, so that we know if our interventions are making a difference and which approaches are most effective.

¹ Identification of these areas would be based on criteria in the proposed Regional Policy Statement.

Action 5 will provide funding and support to communities and NGOs that are actively working to protect, maintain and enhance biodiversity in their localities.

2.3. Key foundation action

A key foundation for implementing the biodiversity strategy is to develop a framework for regional prioritisation of ecosystems (Priority Action 2).¹ This would cover terrestrial, freshwater, coastal and marine² ecosystems and identify areas where active management is likely to bring the greatest biodiversity gains. The output from this will also be useful to inform upcoming reviews of the Water and Coast Plans. Most other regional councils have already started, and some have completed, this process, and a standardised methodology exists.

¹ This corresponds to Action 12 in the strategy: *Develop a spatial plan showing biodiversity outcomes sought, values, protected areas and planned initiatives.*

² Note the Council's jurisdiction extends to 12 nautical miles off the coast.

Table 1. Priority actions in the Biodiversity Action Plan

Pri	ority Action	By when	Budget in LTP*
1.	Active pest management		
1.1	Review and implement the Pest Management Plan	Notify by March 2019	Ongoing
1.2	Develop a Biosecurity Strategy for Otago	March 2019	Year 1
2.	Prioritise areas for active biodiversity manag	gement	
2.1	Map current and potential ecosystems within Otago	June 2019	Year 1
2.2	Develop a framework for incorporating takata whenua values into biodiversity management	December 2019	Years 1 & 2
2.3	Prioritise areas for the active management of biodiversity and develop management responses	June 2020	Year 2
3.	3. Establish mechanisms for regional coordination		
3.1	Employ a biodiversity coordinator	January 2019	Year 1
3.2	Establish joint governance and liaison groups and hold initial meetings	August 2019	Year 2
3.3	Hold second biennial regional biodiversity forum	October 2019	Year 2
4.	Develop and implement a biodiversity monitoring programme		
4.1	Collect data and report on terrestrial biodiversity indicators	December 2020	Year 2
4.2	Develop a monitoring framework for coastal and fresh water biodiversity	June 2021	Year 3
5.	Administer funding for biodiversity work by communities		
5.1	Administer the Environment Community Otago (ECO) Fund	2018/19	Year 1
5.2	Develop a dedicated biodiversity fund for Otago with criteria aligned to regional biodiversity priorities	2019/20	To be confirmed
5.3	Pool resources across organisations to develop a prioritised biodiversity fund for Otago	2020/21	To be confirmed

* Long Term Plan

3. Proposal

3.1. Consult with key stakeholders on the draft action plan

Before Council approves the action plan it would be beneficial to get some targeted feedback on the draft (Attachment 2) from iwi and key stakeholders, including city and district councils and the Department of Conservation. We will then bring a final draft of the plan back for approval on by the end of this year.

Seeking feedback will help to enable efficient, effective and inclusive biodiversity management in Otago through developing enduring partnerships with iwi and key stakeholders. It will also help to keep the conversation on looking after Otago's biodiversity alive and ensure that diverse views, knowledge and kaupapa are incorporated into the plan.

3.2. Reallocation of biodiversity strategy implementation budget

Priority Action 2.1 is to map current and potential ecosystems within Otago. This was on the science work programme (with funding allocated) for the 2017/18 financial year, however the work was not undertaken due to other priorities.

We propose to undertake the mapping in this financial year, within the current budget for biodiversity strategy implementation, by deferring two stakeholder engagement projects:

- Develop and provide information on good management practices for indigenous biodiversity and the importance of ecosystem services (Action 8); and
- Undertake residents surveys re. biodiversity outcomes, perceptions & practices (Action 13).

It is beneficial to defer these projects until the:

- Biodiversity Coordinator in on board (in January 2019);
- work on regional prioritisation is underway; and
- the residents survey can be incorporated into the broader biodiversity monitoring and reporting programme.

As the mapping and prioritisation project will assist with both the Water and Coast Plan reviews, there may also be opportunity to support this work with Policy funding, if required.

Recommendation

That the Committee:

a) Approve the draft Biodiversity Action Plan in Attachment 2 for consultation with iwi and key stakeholders before a final draft is brought back to this committee for approval on 28 November 2018.

Endorsed by: Tanya Winter Director Policy, Planning & Resource Management

Attachments

- Attachment 1: Our Living Treasure/ Tō tātou Koiora Taoka: Otago Regional Council's Biodiversity Strategy 2018
- Attachment 2: DRAFT Biodiversity Action Plan/ Te Mahi hei Tiaki i te Koiora: Otago Regional Council 2018–2023

10.2. South Dunedin Collaboration

Prepared for:	Policy Committee
Report No.	EHS1830
Activity:	Governance Report
Prepared by:	Gavin Palmer, Director Engineering, Hazards and Science
Date:	3 October 2018

1. Précis

The 2018/28 Long Term Plan provides for ORC to support Dunedin City Council (DCC) in the South Dunedin Future programme in the years 2018/19 to 2021/22. As described in the companion paper to Technical Committee¹, technical staff of ORC and DCC are working on a range of technical matters that will ultimately help inform some of the stormwater management, climate change and natural hazards adaptation decisions for South Dunedin and Harbourside (Figure 1).

In 2014 Council resolved that ORC would work collaboratively with DCC on South Dunedin². Whilst some technical work has progressed following the joint Councils' briefing in May 2017 there have not been resolutions on how collaboration between the two organisations should work in practice nor the development of a formally agreed joint vision or programme of work. It is recommended that:

- a. This report is received and noted.
- b. The commitment of ORC to work collaboratively with DCC on the management of natural hazards and the effects of future climate change for South Dunedin/Harbourside is reaffirmed.
- c. The Chairperson, Chief Executive and relevant staff engage with the Mayor, Chief Executive and relevant staff of DCC to discuss and agree the basis for continued collaboration including the process and timeframe for developing a joint vision and programme of work, and community and stakeholder engagement.

¹ *South Dunedin Natural Hazards Technical Programme Update*, Report to Otago Regional Council Technical Committee meeting on 18 October 2018.

²On 15 July 2014 Council resolved "that Council work collaboratively with DCC on the climate change adaption work programme with respect to the South Dunedin harbourside area""



Figure 1: Greater South Dunedin and Harbourside.

2. Background

The land surface in the greater South Dunedin area ('The Flat') is low-lying and surrounded by steep hill suburbs. The majority of housing in the area is built on ground that is below current mean high-water springs (MHWS) with much of it within 50 cm of current mean sea level (Figure 2). The area also comprises schools, businesses, public utilities and community facilities. This physical setting means the area is vulnerable to rises in the underlying water table caused by sea level rise, heavy rainfall and runoff from the hills, and to ground settlement and shaking. The approximate size of the South Dunedin natural catchment is 14.8 km². For comparison, the Lindsay Creek and Water of Leith catchments are 12.5 km² and 42 km², respectively¹.

The South Dunedin flat has no natural drainage and prior to settlement and modification by Europeans, was a generally marshy area of wetland and lowland forest vegetation with a lagoon and low, rolling sand dunes at the southern coast. There are historic reports of storm-surge flooding from both the harbour and open coast which reached well into the settled area during the late 19th and early 20th centuries, exacerbated by modification and mining of the St Clair sand dunes². This mining took place to supply settlers with fill for low-lying sections, many of which were reclaimed from wetland to just above the height of the water table at the time. Progressive reclamation and settlement of Dunedin's coastal flats, which previously provided a transition from marine to terrestrial systems, has increased the vulnerability of this city to coastal hazards such as storm surge and climate change induced sea level rise and to seismic hazard.

^{1 1} Otago Regional Council, 2015. *Coastal Otago flood event 3 June 2015.*



Figure 2: Greater South Dunedin with those areas below MHWS (1.08 m above mean sea level, Dunedin Vertical Datum 1958) highlighted in blue shades.

Technical staff of ORC and DCC are working together and individually on a range of technical matters that will ultimately help inform some of the stormwater management, climate change and natural hazards adaptation decisions for South Dunedin and Harbourside (Figure 1).

The need to actively manage water around people and commercial enterprises is not a new issue for South Dunedin (Figure 3). However, the ability to do so successfully over time is complicated by the way the environment will continue to change subtly and the need to also account for other natural hazards in both the short and long term¹.

¹ *The Natural Hazards of South Dunedin*, July 2016, Otago Regional Council, 69p.



Figure 3: Market gardener operating a land drainage pump in South Dunedin in the late nineteenth century.

The present legislative framework in New Zealand does not provide clear responsibilities for leadership of climate change adaptation or a fully coherent or enabling framework¹. Notwithstanding that, the Proposed Regional Policy Statement for Otago includes policies and objectives specifically relating to natural hazards and adapting to or mitigating the effects of climate change in Otago². The methods available include regional, city and district council relationships, research, monitoring and reporting, and strategies and plans (non-RMA).

ORC has a strong track record of collaboration with Otago territorial authorities on matters to do with natural hazards management. Council has been successfully collaborating with DCC on the natural hazards provisions of the Second Generation Dunedin District Plan. ORC's role has extended beyond being the providers of technical data. This has achieved a more integrated approach to land use planning, flood protection infrastructure and the preparation and dissemination of public information. It has enabled both Councils to fulfil joint commitments made to the community after the April 2006 Taieri flood³.

There is other precedent for successful collaboration in Otago, and those arrangements have endured. ORC and Queenstown-Lakes District Council (QLDC) still jointly undertake the annual Lake Wakatipu/Wanaka flood awareness campaign, 12

¹ Adapting to Climate Change in New Zealand, Recommendations from the Climate Change Adaptation Technical Working Group, May 2018, pp28-36.

² For natural hazards, Objective 4.1 Risks that natural hazards pose to Otago's communities are minimised and associated policies 4.1.1 to 4.1.13; For climate change, Objective 4.2 Otago's Communities are prepared for and able to adapt to the effects of climate change, and associated policies 4.2.1 to 4.2.2.

³ *Mosgiel Flood Event 25/26 April 2006 and Future Action*, Report to Planning and Environment Committee, Dunedin City Council and Policy and Resource Planning Committee, Otago Regional Council, 27 and 28 November 2006.

years after both Councils resolved at an Extraordinary, simultaneous Council meetings in Queenstown to do so¹. ORC is scoping an adaptation plan to do with Dart/Rees River Delta which is anticipated to be developed jointly with QLDC and the community in 2019/20 and 2020/21. ORC and Clutha District Council continue to give effect to the Milton 2060 Strategy adopted by both Councils in 2010, and staff regularly engage with each other on implementation actions. ORC is presently working with Waitaki District Council and Central Otago District Council on reviews of the natural hazards provisions of the respective District Plans.

As noted in the update report for Technical Committee, Emergency Management Otago is preparing a community response plan for the Dunedin Southern Urban Area². In keeping with its purpose, it is focussed on risk readiness and response and not risk reduction.

2. Discussion

The 2018/28 Long Term Plan provides for ORC to support DCC in the South Dunedin Future programme in the years 2018/19 to 2021/22. The nature of the support to be provided in subsequent years depends on the outcome of work in the first three years and the setting of longer-term objectives.

ORC and DCC elected members and senior staff were briefed at a joint session in May 2017 on what the high-level components of a joint work programme could include. Whilst some technical work on South Dunedin has progressed, there have not been resolutions on how collaboration between the two organisations should work in practice nor the development of a formally agreed joint vision or programme of work. This matter needs to be resolved so that direction and priority are clear for councils and the community and so that work programmes are aligned. Collaboration will help ensure that the technical work being undertaken by ORC delivers information needed to make adaptation decisions, in a timely fashion.

3. Recommendations

- d. This report is received and noted.
- e. The commitment of ORC to work collaboratively with Dunedin City Council on the management of natural hazards and the effects of future climate change for South Dunedin/Harbourside is reaffirmed.
- f. The Chairperson, Chief Executive and relevant staff engage with the Mayor, Chief Executive and relevant staff of Dunedin City Council to discuss and agree the basis for continued collaboration including the process and timeframe for developing a joint vision and programme of work, and community and stakeholder engagement.

Endorsed by: Gavin Director Engineering, Hazards & Science Palmer

Attachments

Nil

¹ Adoption of Joint Flood Risk Management Strategy, Report to Extraordinary Council Meeting, 3 October 2006.

² *Community Response Planning*, Report to Otago Regional Council Technical Committee 18 October 2018.

11. MATTERS FOR NOTING

11.1. Director's Report on Progress

Prepared for:	Policy Committee
Report No.	PPRM1828
Activity:	Governance Report
Prepared by:	Tanya Winter, Director Policy Planning and Resource
	Management
Date:	27 September 2018

1. Précis

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

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

2. Policy Responses

2.1 National Policies, Strategies and Plans

The following were received over the period to 21 September 2018:

Agency	Number	Document
Ministry for the Environment		Three reports from MfE on implementing the NPSFM. These reports will be the subject of a paper to the next Policy committee.

The following responses were made over the period to 21 September 2018:

Proposal	Response Type	Issues
Ministry for the Environment - ETS improvements	Submission	ORC submitted that observing the improvements to the ETS may assist with response/adaption initiatives to climate change and improving air quality. ORC also noted that the option for incorporating the PFSI (Permanent forest sink initiative) into ETS may raise more opportunities to incentivise native plantings.

2.2 Territorial Authority District Plan Changes and Reviews

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

District or City	Change or review	Current situation
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		1
DCC	2GP: District Plan Review	Notified: 2015
		Hearings completed: Nov 17
		Decisions due: November 2018
CODC	Review pending	Proposed to notify review late 2018
QLDC	District Plan Review	Stage 1 of 4: Notified: 12 February 2016
		Stage 1 decisions released 7 May 2018.
		Stage 2 notified 23 November 2017. Submissions closed 23 February 2018
		ORC has appealed the decision on Stage 1, specifically the Subdivision and Development and Natural Hazards chapters, as the decisions do not give effect to the proposed Regional Policy Statement. Furthermore, under section 274 of the RMA, ORC has joined several appeals of other parties where those appeals are of interest/concern to ORC.
WDC	Review pending	Stage 1: Initial consultation underway Proposed Notification: 2018
CDC	Plan changes 39 – 41 Residential and Industrial Zoning areas for Balclutha, Stirling and Milton. Further review pending of PC41 (Milton)	ORC has had pre-(re)notification discussion with Calder Stewart in relation to its plans and how these may be relevant to ORC. Awaiting CDC re-notification of PC41.

2.3 Territorial Authority and Regional Council Resource Consent Applications

The following were received over the period to 21 September 2018:

Agency	Number	Document
DCC	2	Resource Consent application Issues: small subdivision and development
QLDC	8	Resource Consent application Issues: Subdivision developments of small to large scale.

The following responses were made over the period to 21 September 2018:

Proposal	Response Type	Issues
QLDC application RM180514	submission	ORC opposed a proposed residential development on an active alluvial fan. Reason: additional information should be provided to QLDC before making its decision to appropriately address the natural hazard risk.

2.4 Other Proposals

Proposal	Proposal	Issues
Environment Southland	Public consultation	Proposed biodiversity strategy and proposal for a Southland Regional Pest Management plan

2.5 Other Responses

Proposal	Response Type	Issues
None		

2.6 Emerging matters

2.6.1 Balmoral Developments (Outram) Limited v Dunedin City Council

This is a proposal for an extension to a consented subdivision in Outram. ORC's opposed the subdivision on the grounds of natural hazard risk from flooding as well as the risk the development may pose to the integrity of the immediately neighbouring ORC floodbanks.

Status: The ORC is working to finalise mediation documentation, as well as seeking clarification on Balmoral's stormwater disposal solution for the development.

2.6.2 Skyline Enterprises Limited

The redevelopment proposal of the Skyline gondola complex highlighted deficiencies with Skyline's management of stormwater and debris flow risk. ORC opposed the development specifically on these grounds and has been constructively communicating with Skyline throughout two Court consenting processes in an attempt to have ORC's concerns resolved.

Status: The Environment Court has received closing submissions from all parties. ORC's Legal Counsel has concluded that, in relation to natural hazards, consent for a carparking building might be granted due to ORC expert witnesses agreeing ORC's concerns have been sufficiently resolved.

3. ORC: Policy, Plans and Strategies

3.1 Review of Regional Policy Statement

Seventeen Consent Orders have now been signed off by the Environment Court, with two consent orders still outstanding. The outstanding orders are with the court.

Regarding the two substantive appeals on mining and indigenous biodiversity and ports, the Environment Court released its decision on the Ports topic as this report was being finalised on 28 September 2018. Further comment will be made when staff have had the opportunity to undertake a proper analysis. The mining and indigenous biodiversity topic is still awaiting a decision and the Court has provided no indication as to when this decision may be released. There is potential that these matters could be appealed to the High Court, which can be made on points of law only.

Due to the uncertainty around the Environment Court decisions, work is now underway to make the proposed RPS partially operative. It is anticipated that a recommendation will be made to Council by 31 October this year to do this. Once the pRPS is fully operative, it will be used to shape future plan reviews, and an implementation plan will be developed to support this.

3.2 Review of Water Plan and NPSFM 2014 (amended 2017)

A programme of work to give effect to the NPSFM as part of the wider review of the Water Plan, is currently underway. The first step to be completed is the notification of the Progressive Implementation Programme under Policy E1 of the NPSFM. This will come to Council on 31 October 2018.

3.3 Air Quality Strategy Implementation and Biodiversity Action Plan

The Policy Committee approved the Council's air quality and biodiversity strategies on 13 June 2018 and requested that reports on their implementation be brought back to the Policy Committee for approval. These are included as separate reports in this agenda.

3.4 Stormwater and wastewater

The review of the Water and Coast Plans' provisions for stormwater and wastewater is in progress. A more detailed analysis of options is expected to be completed by the end of December 2018.

The outcomes of the review will be integrated into a full review of the Water Plan.

3.5 Lower Waitaki Plains Aquifer

The Technical Committee considered a science report into the Lower Waitaki Plans Aquifer on 1 August 2018. This report outlined that additional work would be required to understand the source of the *E.coli* levels in the monitoring bores.

There is still an outstanding resolution from 27 June 2018 to the Policy Committee that recommended not proceeding with a plan change at this time. A decision on how to progress the Lower Waitaki Plains Aquifer will therefore need to be made, and ORC staff met with LWIC representatives on Wednesday 19 September to begin discussing a way forward.

Water Quantity Plan Changes

4.1 Specialist reports for the Clutha River/Mata-Au

Draft background reports on ecological, land and riverscape, and recreational assessments for the Clutha River are currently being reviewed by staff, with the intention that they are presented to the relevant Committees for noting.

4.2 Development of Proposed Plan Change 5A Lindis Integrated water management

The Environment Court has agreed that the parties proceed to a combined hearing for the minimum flow plan change, and the Lindis Catchment Group (LCG) resource consent application to replace existing Deemed Permits. The Environment Court hearing is scheduled to take place from 5th - 9th November 2018 in Wanaka, and from 12th - 16th November 2018 in Cromwell (If further time is required, the Environment Court will tentatively set aside 19 – 21 November 2018).

The section 87F recommending report on the application and Evidence-in-Chief prepared by the ORC and LCG were filed with the Environment Court in June 2018, while Evidence-in-Chief for the s274 parties was filed on 14th September 2018.

Rebuttal evidence from ORC and LCG was lodged and served on 5th October 2018. Expert conferencing between the appeal parties is likely to take place later in the month of October.

4.3 Minimum Flow Plan Change Manuherikia, Arrow and Upper Cardrona, and residual flows

Following the motion passed at the September Policy Committee meeting, future stages of this project in the context of achieving the full process outlined in the National Policy Statement on Freshwater Management (NPSFM) is currently being scoped. As part of the paper recommending adoption and notification of the Progressive Implementation Programme which will go to the October Council meeting, the implications for this plan change will be outlined.

4. Recommendation

- a) That this report be noted.
- **Endorsed by:** Tanya Winter **Director Policy, Planning and Resource Management**

Attachments Nil

11.2. Government's New "Essential Water" Policy Framework

Prepared for:	Policy Committee
Report No.	PPRM1839
Activity:	Regulatory: Policy Development
Prepared by:	Sarah Gardner, Chief Executive
Date:	10 October 2018

1. Précis

To outline the Government's new "Essential Water" policy framework announced on 8 October 2018.

2. Background

The government has announced a new freshwater policy framework for New Zealand that is expected to show improvements in water quality in five years (2023).

The various policy initiatives are expected to be in place by 2020 and will be developed by the Essential Freshwater Taskforce which is a collaboration with the Ministry for the Environment, Ministry for Primary Industries, the Treasury, Te Puni Kokiri, Maori Crown Relations Unit, Department of Internal Affairs, Department of Conservation, Ministry of Business, Innovation and Employment and Regional Councils. They will be informed and supported by four new groups of partners and stakeholders, Kahui Wai Maori (Maori Freshwater Forum), Freshwater Leaders Group (includes community, primary sector, business and non-government group leaders), Science and Technical Advisory Group and a Regional Council CE's Water Sub-group.

A leading partnership conversation and approach within this new policy framework between the Crown and Maori is central to the policy framework. Cabinet have agreed that:

- The Crown and Maori have a shared interest in improving the quality of New Zealand's freshwater, including the ecosystem health of our waterways;
- The Crown and Maori have a shared interest in ensuring sustainable, efficient and equitable access to and management of freshwater resources;
- No one owns freshwater and we are all guardians of it;
- Maori have rights and interests in freshwater;
- Existing users also have interests in freshwater to be considered.

Importantly the Crown has committed to work with Maori and regional government to consider how freshwater resources can be accessed fairly for the development of underdeveloped land based on the following principles;

- The need to gather key catchment-level information on water-related Maori land development opportunities and the current situation in those catchments;
- Any change to existing allocation method is achieved in a way and at a pace that takes into account the interests of existing users and the public interest in optimal use of the resource;
- The need to ensure solutions for water meet sustainable limits for swimmability, ecological health and human health.

3. Policy Framework Summary

3.1 Objectives

The objectives of the new policy framework are:

- Stopping further degradation and loss (including making immediate improvements);
- Reversing past damage (using a new NPS for Freshwater Management and other legal instruments);
- Addressing water allocation issues (efficient and fair allocation of freshwater and nutrient discharges).

3.2 Actions

There are five key actions that form the framework for the Government's policy approach to Freshwater moving forward. They are:

- At risk catchments this assessment is already underway and has been informed by catchments selected by regional councils as those at a tipping point. The work involves assessing what can be achieved with current rules in each catchment, where new regulation might be needed and where investment might be targeted e.g. Hill Country Erosion Fund or Billion Trees Programme.
- National Policy Statement for Freshwater Management (NPS FM) amendments

 based on the original NPS FM Sheppard principles. It is to improve regional planning by ensuring all aspects of ecosystem health are managed and will give direction on proceeding where there is uncertainty. Changes may impact timeframes for implementation, direct how to set limits on resource use and further protect wetlands and estuaries. Other possible inclusions may be instruments to direct at risk catchment action, require good management practice, improve urban catchment management and protect sources of human drinking water. It is likely to include mechanisms to consider sediment, copper and zinc and dissolved oxygen in freshwater and to resolve exceptions to national bottom lines. Public consultation on the NPS FM will occur during 2019.
- New National Environmental Standard (NES) for Freshwater this will provide direction on resource use. It may prohibit activities or restrict impacts on wetlands or urban streams. It is expected to regulate hill country cropping, winter grazing and feedlots. Potential mechanisms for managing intensification, a default regime for ecological flows and determination on how minimum flows will apply to existing consents are under consideration. The NES will be consulted on publicly in 2019.
- **Resource Management Act amendments** these amendments are to be made quickly and a Bill is due to be introduced into the house either late in 2018 or early 2019. It will better enable regional councils to review consents, to more quickly implement the limits required by the NPS FM and will strengthen enforcement tools.
- Allocation of freshwater resources considers takes and discharges. Work will be undertaken with the Kahui Wai Maori and Freshwater Leaders Groups and others to explore options for a fair and efficient allocation system. Issues and options for discharge allocation and for water take allocation will be developed and consulted on between now and 2020.

In addition to the five key areas above, related work will continue and includes the Three Waters Review, the establishment of a Compliance Oversight Unit to improve Council enforcement of the Resource Management Act, the Sustainable Food and Fibre Futures Fund and One Billion Trees programme amongst other policy work.

It is anticipated that the future framework for freshwater management in New Zealand will result in extended good practice across farms, forests and urban water management, target investment in solutions and tools to assist, improve the measuring and monitoring of impacts and support councils in their roles.

The framework recognises that in some places the above key actions and areas of focus will be insufficient to achieve the policy objectives. This may mean more direct action is taken such as stopping some commercial activities, land-use change, and introducing technology and management systems. Some of this might be achieved through regulatory restrictions and some economic levers such as pollution charges and trading regimes.

The Government has signalled a transition will be needed to implement and integrate this new framework. It expects a transition to:

- Prioritise effort in at risk catchments;
- Provide time for landowners to transition but to minimise the time it takes to set policy;
- Signal how tightening requirements will apply over time;
- Front load investment in solutions;
- Support resource users with practical and skilled advice and tools;
- Use working together in partnerships;
- Seek commercial benefits from improvements and changes.

4. Impacts for Otago

Little time between the announcement and the circulation of this paper means we have not undertaken a full assessment of impacts on our region. We suggest we do this for the next committee round.

5. Recommendation

- a) That Council note this report; and
- b) That Council ask the Director Policy, Planning and Resource Management to provide an analysis of the impacts of this new policy framework for Otago and this Council to its Policy Committee in November 2018.

Endorsed by: Sarah Gardner Chief Executive

Attachments

- 1. Essential Freshwater New Government Policy Framework [11.2.1]
- 2. Shared Interests New Government Policy Framework [11.2.2]

12. NOTICES OF MOTION

13. CLOSURE