



POLICY COMMITTEE AGENDA

Wednesday, 1 May 2019, at 1 p.m.
Council Chamber, Level 2, Philip Laing House
144 Rattray Street, Dunedin

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	

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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1. APOLOGIES

2. LEAVE OF ABSENCE

Leaves of absence noted for Cr Kempton, Cr Noone and Cr Woodhead.

3. ATTENDANCE

4. CONFIRMATION OF AGENDA

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

5. CONFLICT OF INTEREST

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

6. PUBLIC FORUM

No requests to address the Committee members were received.

7. PRESENTATIONS

No presentations are scheduled.

8. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the meeting held on 20 March 2019 be received and confirmed as a true and accurate record.

Attachments

1. Minutes of the Policy Committee Meeting 20190320 [8.1.1]

9. ACTIONS

Status report on the resolutions of the Policy Committee

Draft Biodiversity Strategy Feedback	13/06/18	<i>That a paper on implementation be brought to the Policy Committee in the next 2-3 months</i>	ON HOLD. Strategy out. Reference group meeting to be held before end of year and bring the next stage to Policy Committee in 2019
Minimum Flow Plan Change Update	01/08/18	<i>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.)</i>	COMPLETE

Biodiversity Action Plan	17/10/18	Approve the draft Biodiversity Action Plan in Attachment 2 for consultation with iwi and key stakeholders before a final draft is brought back to this committee for approval on 28 November 2018.	ON HOLD.
Options for resolution on Priority Catchments Minimum Flow	29/11/18	That Council undertake a targeted community consultation meeting regarding the three options listed in the report	COMPLETE
Water Meter Telemetry	28/11/2018	Report to Policy Committee to detail the communications strategy to encourage landowners to install telemetry sites to improve real-time collection of water meter data.	IN PROGRESS
New Approach for managing water in the Priority Catchments	20/03/2019	Establish a TAG and CRG with formalised TORs to provide ongoing technical and strategic advice and input to the ORC to support delivery of the plan change for water management in the Manuherikia catchment and provide a progress report at the next council meeting.	IN PROGRESS – reported to Council at 3/04/19. TORs to be established for TAG and CRG groups.

10. MATTERS FOR COUNCIL DECISION

Nil

11. MATTERS FOR NOTING

11.1. General Manager's Report on Progress

Prepared for:	Policy Committee
Report No.	PPRM1888
Activity:	Governance Report
Author:	Anita Dawe, Acting Manager Policy
Endorsed by:	Andrew Newman, Acting General Manager Policy, Science & Strategy
Date:	17 April 2019

PURPOSE

- [1] This report contributes toward the following Strategic Priorities from the Long-Term Plan 2018 -2028:
- Maintain and enhance the natural environment
 - Resilient communities that are engaged and connected to the Otago Regional Council
- [2] Future focused – readiness for change, proactive approach and risk focused

EXECUTIVE SUMMARY

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

STAFF RECOMMENDATION

That the Council:

- 1) **Receives** this report.

BACKGROUND

Emerging Issues

- [4] There are no emerging issues.

Responses to external policies, plans etc

- [5] We are anticipating several proposals to come out of Central Government over the coming months, predominantly around fresh water. These will be responded to as required and it is likely that staff will need Councillor workshops to gauge feedback and concern, prior to submitting. This has been an unusually busy year for engaging in central and local government processes, and that engagement is reflected in the budget over expenditure. It is worth noting however that all costs associated with the engagement fall to this cost code, even though the work may be on behalf of other teams within Council.

National Planning Standards

- [6] The Ministry for the Environment has released the first set of national planning standards on 5 April. Those standards set requirements over the structure, format and accessibility of plans and regional policy statements, and set mandatory definitions.
- [7] Regional plans must be amended or reviewed to implement the standards within 10 years. Regional policy statements must be amended within 3 years. Any plan review made within the next 10 years must implement the standards.
- [8] An in-depth assessment of the impact of the standards on Otago's plans and the partially operative RPS will be carried out in the next month. This will include an assessment of resource issues and constraints for current work programmes.

Dunedin City Council District Plan Review (2GP) Decisions

- [9] ORC has become party to numerous lodged against the 2GP and is still waiting on mediation dates to be set by the Court. Staff have engaged in pre-mediation discussions with DCC in relation to ORC's appeal points. The exercise was to confirm which points might be resolved prior to mediation, and to also understand the reasoning behind each of the appeal points.
- [10] These appeals relate to numerous provisions such as natural hazards, urban development, zoning, mining/quarrying and natural environment. ORC's interest in these appeals focuses on two main issues – the first is ensuring consistency with the RPS, and the second is in relation to our statutory functions in relation to natural hazards.

Proposed Regional Policy Statement

- [11] The Environment Court released its decision on the Mining and Indigenous Biodiversity Offsetting topic on 15 March. Broadly, the decision supports the more restrictive position advocated by Forest and Bird and the Environmental Defence Society and is consistent with Council's position. Oceana Gold has appealed the decision to the High Court and a hearing will be set down in the coming months. Appeals to the High Court are confined to appeals on errors of law only.
- [12] The Court has approved the consent orders for Chapter 3 and the implementation section in a procedural decision released on 15 March 2019. Unusually, while approving the consent orders, the procedural decision questions the *vires* of parts of Chapter 3, raises issues with the relationship between policies and objectives, and finds that *prima facie* the proposed Otago Regional Policy Statement does not achieve the purpose of the Resource Management Act 1991. If true, this makes the proposed Otago Regional Policy Statement as a whole largely ineffective as a regulatory document.
- [13] Staff have taken advice independently, which aligns with the staff position that the procedural decision contains errors of law. ORC has appealed the decision to the High Court and a hearing will be set down in the coming months. It is likely that most other parties will file Notices to appear, as part of the High Court appeal.

- [14] The procedural decision reserved leave for parties to propose amendments to the RPS to remedy the defects the Court has perceived. ORC has taken this opportunity and proffered additional explanatory text into the RPS to address the concerns of the Court. If the perceived defects can be remedied to the Courts satisfaction, further legal action can be avoided however, while the Judgement suggests the RPS does not satisfy Part II RMA, it does not articulate exactly how or why.
- [15] The High Court hearing on the Port topic has been set down for 5 and 6 June 2019. Attempts to reach a compromise position prior to the hearing have been unsuccessful.
- [16] Because the status of the Partially Operative Otago RPS is now uncertain, work on the proposed implementation workshop is on hold.

Biodiversity

Council's biodiversity/biosecurity work programme

- [17] Biodiversity and Biosecurity is one of the Council's four strategic priorities. A project team with members from policy, corporate planning, science, and operations is developing a strategic framework that integrates thinking from the Biodiversity Strategy and the Biosecurity Strategy (draft) under five common themes:
- Regional leadership and coordination
 - Active management
 - Education and community engagement
 - Better information for better management
 - Rules and regulation.
- [18] The integrated framework will inform the development of business case options for implementing a biodiversity/biosecurity work programme. These options will be presented to the Council in 2020 and inform the next Long-Term Plan process.
- [19] We are close to confirming a provider to map Otago's biodiversity across terrestrial, fresh water and coastal/marine environments. This mapping exercise is vital to identify the areas in Otago that should be prioritised for active management of biodiversity and biosecurity. It will also inform upcoming reviews of the Water and Coast Plans. Funding for this work comes from existing budgets, and will be used, in part, for the FMU process.
- [20] With the new organisational structure in place, we are progressing the recruitment of a Biodiversity Coordinator. The project team is developing a position description that will provide clarity on the purpose and focus of this role within the Biosecurity and Biodiversity team.
- [21] We intend to finalise the Biodiversity Action Plan before the end of this financial year and expect that it will come back to this Committee for approval in June 2019.

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

- [22] The Environment Court hearing commenced on 7 November 2018. The Court adjourned on 15 November 2018 and resumed again for a second round of hearings on 28, 29 and 30 January 2019 in Cromwell.
- [23] Closing submissions from six S274 parties (including the Department of Conservation, and Otago Fish and Game Council) were lodged by 2nd April 2019. Closing submissions from the Otago Regional Council and the Lindis Catchment Group are due on 30th April 2019.

Manuherekia, Arrow and Cardrona (MAC) Catchments

For a synopsis of the project plans refer to Attachment 2.

- [24] On 3 April 2019 Council adopted the following resolution:

“That Council:

.....

- 5) Initiate the development of two plan changes to set freshwater objectives and comprehensive planning framework for managing water in the Arrow, Cardrona and Manuherekia (Manuherekia) catchments in accordance with the process outlined in policies CA1-CA4 of the National Policy Statement for Freshwater Management 2014 (amended 2017)*
- 6) Notify before 1 January 2021 the plan changes for managing water in the Arrow, Cardrona and Manuherekia (Manuherekia) catchments as pilots for Stage 1 of the full Water Plan review*

....”

- [25] The driver to that resolution has been the need to facilitate the transition from deemed permits in the Manuherekia (Manuherekia), Arrow and Cardrona catchments to resource consents granted under the Resource Management Act 1991 (RMA) through the development of a holistic framework for managing the water resources in these catchments. This framework must be developed in accordance with the process requirements set out in National Policy Statement for Freshwater Management 2014 (amended 2017) (NPS-FM) and consistent with the overarching principles and the overall structure of the next generation Water Plan, which will be developed through a separate but parallel workstream.
- [26] Detailed projects plans have also been developed for both plan changes which include risk management plans and communication and engagement plans.
- [27] Separate project teams tasked with the delivery the plan changes for the Arrow and Cardrona catchments and the Manuherekia catchment have been established and a project manager has been appointed. Each of these two project teams include policy, science, environmental monitoring, compliance, consents and communications and engagement staff.
- [28] In addition to the establishment of these project teams, Council is also working on the formation of a Technical Advisory Group (TAG) and Community Reference Group (CRG), to assist with the delivery of the Plan Change for the Manuherekia catchment. The

inaugural meeting of the TAG will take place in May 2019, while the CRF is expected to meet in the following month.

- [29] In May 2019 ORC will also commence the process of engaging with the Arrow and Cardrona communities to inform the setting of freshwater objectives and limits in plans in accordance with the National Objectives Framework set out in Section CA of the NPSFM. This process will kick off with community sessions in Arrowtown and Wanaka on Monday 27th May and Tuesday 28th May to confirm the values of the Arrow and Cardrona catchments and to discuss with these communities their aspirations for managing water in these catchments.

Mediation on the Queenstown Lakes Proposed District Plan

- [30] Progress on the appeals to the QLDP is continuing at speed, with mediations scheduled on back to back weeks, and with Environment Court hearings occurring as well. ORC's involvement in the next stage of mediation and Environment Court hearings is considerably smaller, with one substantive role in the appeal against the landscape notation on the bank of the Clutha River at Albert town, to which we are a section 274 party.

NPS-FM implementation / Full review of Regional Plan: Water for Otago

- [31] At the Council meeting on Wednesday 3 April, Freshwater Management Units (FMUs), recommended by staff and Aukaha, were adopted. This completes the first stage of ORC's Progressive Implementation Plan (for implementing the NPS-FM) and sets out the scale at which water will be managed through the new planning framework. To complete the adoption of the FMU's, we have attached a table that summarises the assessment of each FMU/rohe against the criteria for deciding the appropriate scale. This table is attached as Attachment 1.

ATTACHMENTS

Appendix 1: Regulatory Responses

1.1 National Plans, Policies, Strategies

The following were received over the period to 12 April 2019:

Agency	Number	Document
Ministry for the Environment.	1	National Planning Standards which have been gazetted and are now in effect. Staff will prepare a paper for Council outlining a work programme and timeframes to implement these Standards.

The following responses were made over the period to 12 April 2019:

Proposal	Response Type	Issues
None		

1.2 Territorial Authority District Plan Changes and Reviews

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

District or City	Change or review	Current situation
DCC	2GP: District Plan Review	ORC is preparing for mediation as a s274 party to a number of appeals. Staff have begun pre mediation discussions with DCC to confirm which of ORC's are appropriate for mediation.
CODC	Review pending PC13 (River Terrace)	ORC staff understand the earliest the plan review will commence is 2 nd half of 2019. The CODC Recommending Report has been released, recommending the plan change be declined.
QLDC	District Plan Review	Stage 1 of 4: Notified: 12 Feb 2016 Stage 1 decisions released 7 May 2018. Stage 2 notified 23 November 2017. Submissions closed 23 February 2018 and decisions were released earlier this month. For stage one, ORC has been involved in mediation on a number of topics it either appealed or because it joined other appeals.

		For Stage two it is not considered necessary for ORC to appeal the decision. However, staff will watch any other appeals that could affect ORC interests.
WDC	Review pending	Stage 1: Initial consultation underway Proposed Notification: ORC is still awaiting an update from WDC.
CDC	Notification of Plan Change 41A – variation to Milton Industrial Zone	ORC has reviewed the notified variation to Plan Change 41 which seeks to implement a structure plan for this 300ha area of industrial zoned land. ORC staff visited the site last year to assist the applicant understand any issues from ORC’s perspective and/or activities that would require ORC approval. The upshot of that visit was that certain activities to develop the land will require consent under ORC’s water plan and Flood Protection Management Bylaw. This new notification appeared consistent to all previous information ORC has received therefore ORC did not submit on it, but did provide comment confirming previous staff advice.

1.3 Territorial Authority and Regional Council Resource Consent Applications

The following were received over the period to 1 March 2019:

Agency	Number	Document
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DCC	2	Resource Consent applications Issues: rural development
CODC	3	Resource Consent applications
QLDC	2	Resource Consent applications Issues: Subdivision and commercial developments of small to medium scale
QLDC	2	Glenplan/Flint's Park Special Housing Area (Ladies Mile) - ORC provided feedback but had no significant concerns with this. Coneburn Special Housing Area – feedback closes 17 April. No concerns for ORC at this time.

No other responses were made, nor proposals received over the period to 12 April 2019.

1. FMU criteria analysis summary **[11.1.1]**
2. Attachment 2 **[11.1.2]**

11.2. Implications of the Environment Court's procedural decision on the Proposed Otago Regional Policy Statement

Prepared for: Policy Committee

Report No. PPRM1889

Activity: Governance Report

Author: James Adams, Policy Analyst

Endorsed by: Andrew Newman

Date: 1 May 2019

PURPOSE

- [1] To outline the rationale for ORCs High Court appeal re the Environment Court's recent procedural decision about the proposed Otago Regional Policy Statement (pORPS).

EXECUTIVE SUMMARY

- [2] The Environment Court has issued a procedural decision approving the remaining consent orders for the pORPS, concerning Chapter 3 and Implementation.
- [3] The procedural decision rules that the pORPS *prima facie* does not achieve the purpose of the Resource Management Act 1991 (RMA).
- [4] This ruling leaves the pORPS as a whole, and the parts that have already been made operative, essentially compromised. Under current caselaw, primarily the *King Salmon*¹ decision, decisions on subordinate plans and consents may bypass the pORPS and revert to RMA part 2.
- [5] The procedural decision is highly unusual in approving the given consent orders and also ruling that the pORPS does not achieve the purpose of the RMA. It also contains some errors of fact, and raises issues not previously raised with the ORC or other parties to the pORPS appeals process.
- [6] Accordingly, the ORC has both:
- a. Proposed changes to the pORPS that may satisfy the Court's concerns; and
 - b. Appealed the procedural decision to the High Court.
 - c. Note a summary of the proposed changes will be available ahead of the meeting.

RECOMMENDATION

That the Council:

- 1) **Notes** that the Environment Court has ruled that the proposed Otago Regional Policy Statement does not achieve the purpose of the Resource Management Act 1991.

¹ *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38

- 2) **Notes** that the ORC has proposed changes to the Environment Court to remedy its concerns
- 3) **Notes** that the ORC has appealed the procedural decision to the High Court.

BACKGROUND

- [7] Council approved parts of the pORPS on 12 December 2018. Those parts became operative on 14 January 2019, as the Partially Operative Otago Regional Policy Statement 2019.
- [8] The pORPS was made partially operative because some provisions were not yet finalised, either because:
- a. The provisions had had an Environment Court hearing but had not had decisions released; or,
 - b. The provisions were addressed by an Environment Court decision that had been appealed to the High Court; or
 - c. The Court had not yet granted a consent order for provisions agreed through mediation and negotiations.
- [9] On 15 March 2019, the Environment Court released its decision on the Mining and Biodiversity Offsetting topic. Oceana Gold has appealed this decision to the High Court. Accordingly, all provisions that have been subject to an Environment Court hearing¹ have now had decisions issued and are subject to appeals to the High Court.
- [10] Also on 15 March 2019, the Environment Court released a procedural decision provisionally approving the outstanding consent orders on the pORPS, covering implementation (being parts of the methods, anticipated environmental results, and schedules), and Chapter 3. The latter addresses environmental bottom lines for natural resources and management approaches for outstanding and significant natural resources².
- [11] Unusually, while the Court approved the consent orders it also ruled that:
- a. The parties to the pORPS mediation had not responded to all matters raised in a minute the Court issued on 31 August 2018; and
 - b. *Prima facie*, the pORPS, when read as a whole, does not achieve the purpose of the RMA.
- [12] In brief, the Court's concerns about the pORPS are that:
- a. The way the different parts of the pORPS work together is not clear. In particular, how the objectives and policies it sees as "bottom lines" (including Objectives 3.1 and 3.2 and their respective Policies) must be achieved at the same time as any enabling objectives and policies.

¹ Being those related to ports, mining, and biodiversity offsetting.

² This section largely gives effect to Resource Management Act 1991 sections 6 and 7, as well as significant parts of the New Zealand Coastal Policy Statement and National Policy Statement for Freshwater Management.

- b. Chapter 3 seems to equate all values in RMA sections 5 and 6, other than section 6(e)¹.
- c. Policy 3.2.4² focuses on effects on the underlying values, rather than the outstanding natural feature, landscape or seascape itself. Although not expressed as a “ruling”, the Court’s comment calls into question the legality of Policy 3.2.4.

[13] The Court also reserved leave for any party to apply to remedy any defects, incompleteness or uncertainty in the pORPS identified in the 31 August minute or in the procedural decision by 5 April 2019.

ISSUE

[14] Although the issues raised by the Court in its 31 August Minute related to only a few objectives and policies, its ruling is not limited to those provisions. The decision calls into question the lawfulness of the pRPS as a whole, leaving the document vulnerable to future legal challenge.

[15] In light of the ruling and applying case law from *King Salmon*³ and subsequent cases, the pORPS can be passed over in decision making on subordinate plans and resource consent applications, and preference given to part 2 of the RMA.

DISCUSSION

RPS not achieving the purpose of the RMA

[16] Staff have sought external advice in addressing the Court’s concerns. The Court’s approval of the pORPS while ruling that *prima facie* it fails to achieve the purpose of the Act is unique both in staff experience and according to advice obtained.

[17] A blanket ruling that the purpose of the Act is not achieved by the pORPS may not be justified by the findings. Further, no party was specifically asked to address this question nor had the Court previously indicated this level of concern with the pORPS.

[18] The Court’s specific concerns are addressed below.

Chapter 3 equates the values under RMA sections 5 and 6

[19] It is not clear how the Court’s concern relates to RMA section 5. The values in section 5 are considerations across all policies in the pORPS, not the subject of particular policies.

[20] Most of the values in section 6 are subject to specific policies in the pORPS – topics such as natural hazards, public access and heritage have specific objectives, issues and policy suites associated with them, with substantially different approaches in each.

¹ The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

² Which seeks to avoid adverse effects on the outstanding values of natural features, landscapes or seascapes

³ *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38.

- [21] Proposed Otago Regional Policy Statement policies 3.2.1 to 3.2.2 and 3.2.3 to 3.2.4 do have very similar structures and content. These policies respectively address protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna¹, and outstanding natural features and landscapes².
- [22] The Court appears to consider that the addition of “inappropriate subdivision use and development” in RMA section 6(b) necessitates a wider deviation in approach. ORC’s position throughout the appeals process has been that it is the pORPS’s role to set some parameters around what is or is not appropriate. These “use” parameters are found elsewhere in the pORPS, largely in chapters 4 and 5, while the policies in chapter 3 provide a bottom line for management of natural resources. These policies operate together to achieve the purpose of RMA section 6. It is not clear from the procedural decision why this approach is problematic.

Guidance for interaction of pORPS policies and objectives

- [23] It is not common for regional policy statements to include explanations about which provisions are “bottom lines” and which are not. There is no requirement in statute or case law to do so.
- [24] In keeping with the *King Salmon* decision, plans and policy statements should be applied according to their terms, following the principles identified by the Court.
- [25] The differing strength of language used in the pORPS policies is intended to provide for the relationship between those policies, in keeping with *King Salmon*. This was communicated to the Court.

Policy 3.2.4 protects values of Outstanding Natural Landscapes, but not the Landscapes themselves

- [26] This issue was not signalled by the Court in earlier minutes and no party had the opportunity to provide submissions on it, despite the Court noting that it would have liked submissions on the policy.
- [27] It is difficult to see how protecting the values of an Outstanding Natural Landscape does not result in protecting the landscape itself. Nonetheless, the ORC has proposed some changes to this policy to clarify matters.

Issues raised in the Court’s 31 August Minute

- [28] The ruling that the parties have not responded to all the matters in the 31 August Minute is factually incorrect.
- [29] All issues raised by the court were responded to in a Memorandum for the Otago Regional Council, dated 28 September 2018, and prepared in consultation with all parties to pORPS appeals. This has been confirmed by independent advice.

¹ Resource Management Act 1991, section 6(c)

² Resource Management Act 1991, section 6(b)

[30] Ultimately, however, this is a minor issue.

OPTIONS

[31] Council's options were:

- a. accept the procedural decision;
- b. seek to remedy the defects identified by the Court; or
- c. appeal the procedural decision.

[32] Court imposed timetables required parties to respond with changes to the pORPS, or appeal the decision by 5 April 2019.

[33] Staff considered option a. not workable. It leaves the ORC with an unlawful regional policy statement.

[34] Option b. created an opportunity to resolve the issues with the pORPS without further legal action. However, it was not clear what changes would satisfy the court, or how many parties would propose changes. There are contingent risks that the Court would not be satisfied with the changes, or that the changes would have unintended consequences for the pORPS.

[35] Option c. means incurring significant further legal costs and will further delay finalising the pORPS. However, based on advice received, staff consider that the Environment Court's judgement is unusual, and the pORPS is a defensible document in its current form. Given this, an appeal provides the opportunity to defend the pORPS process and the version of the document arrived at through significant consultation and mediation.

[36] For these reasons, ORC has BOTH appealed the procedural decision and, as an alternative, furnished the Court with a number of potential changes that may satisfy its outstanding concerns.

CONSIDERATIONS

Policy Considerations

[37] Note that the Partially Operative Regional Policy Statement 2019, despite having its lawfulness called into question, cannot be "rolled back" to the previous Regional Policy Statement for Otago 1998. Those provisions are now revoked, and any further changes require an RMA schedule 1 process to implement.

Financial Considerations

[38] Continuing legal action on the pORPS will incur further costs. The High Court appeal may cost in the region of \$20,000 to \$30,000 in legal costs, and further costs may be required if the issue is returned to the Environment Court to reconsider.

Significance and Engagement

[39] The Significance and Engagement policy is not engaged. The proceedings form part of ongoing legal processes, which are not amenable to public consultation.

Legislative Considerations

- [40] The RMA requires regional councils to have an operative regional policy statement at all times¹.
- [41] RMA Section 59 states: “The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.”

NEXT STEPS

- [42] ORC is now awaiting responses from other parties regarding our proposed changes, which are due on Friday 26 April 2019.
- [43] The National Planning Standards were released on 5 April 2015. Regardless of the outcome of these proceedings, the forms prescribed for regional policy statements in the Planning Standards will require the current document to be reorganised. Staff are yet to determine the extent of change required, and whether this will require further consultation.

ATTACHMENTS

Nil

¹ Resource Management Act 1991, section 79(1)

12. NOTICES OF MOTION

No Notices of Motion were received.

13. CLOSURE