



POLICY COMMITTEE AGENDA

Wednesday 11 September 2019

9:00 a.m.

Level 2 Philip Laing House, 144 Rattray Street,
Dunedin

Membership

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

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

No apologies were received prior to circulation of the agenda.

2. LEAVE OF ABSENCE

No leave of absence was received prior to circulation of the agenda.

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 speak under public forum were received.

7. CONFIRMATION OF MINUTES

Recommendation

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

Attachments

1. Policy minutes 20190731 [7.1.1 - 4 pages]



Minutes of a meeting of the Policy Committee held in the Council
Chamber on Wednesday 31 July 2019 at 1 p.m.

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	
Mr Edward Ellison	
Mr Tahu Potiki	

Welcome

Cr Robertson welcomed Councillors, members of the public and staff to the meeting at 01:05 pm.

For our future

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1. APOLOGIES

Resolution

That the apologies for Cr Noone and Tahu Potiki be accepted.

Moved: Cr Scott

Seconded: Cr Neill

CARRIED

2. LEAVE OF ABSENCE

No leaves of absence were requested.

3. ATTENDANCE

Sarah Gardner (Chief Executive)
Nick Donnelly (General Manager Corporate Services and CFO)
Gavin Palmer (General Manager Operations)
Peter Winder (Acting General Manager Regulatory)
Anita Dawe (Acting Manager Policy and Planning)
Amanda Vercoe (Executive Advisor)
Liz Spector (Committee Secretary)

4. CONFIRMATION OF AGENDA

The agenda was confirmed as tabled.

5. CONFLICT OF INTEREST

No conflicts of interest were advised.

6. PUBLIC FORUM

Mr Ken Gillespie and Mr Graeme Martin addressed the Councillors about resource planning and consent applications and responded to questions.

7. PRESENTATIONS

Simon Stokes, Environment Strategy Manager Beef + Lamb NZ, thanked the council for their time. Mr Stokes introduced Preston Hope and said he is part of an environment reference group working with Beef + Lamb. Mr Stokes then provided an overview of Beef + Lamb NZ's environment strategy for 2018 - 22 and an update on their current business. Mr Stokes and Mr Hope responded to questions from the Councillors.

Cr Laws left the meeting at 01:25 pm.

Cr Laws returned to the meeting at 01:44 pm.

Cr Noone joined the meeting at 01:54 pm.

8. CONFIRMATION OF MINUTES

Resolution

That the minutes of the meeting held on 12 June 2019 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

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.	COMPLETE This project is now complete as follows: <ol style="list-style-type: none">1. Sent communications to consent holders to remind them to get their data to us by 31 July (this is the first time ORC will have done proactive comms on this).2. Encourage people to use telemetry to collect their data
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10. MATTERS FOR COUNCIL DECISION

10.1. Proposed Regulatory Frameworks for Dam Safety 2019

The report provided background on the Ministry of Business Innovation and Employment's (MBIE) discussion paper outlining proposed regulations to address framework gaps with respect to dam safety management. Staff sought endorsement on draft ORC feedback to the Ministry on the proposed regulations. The General Manager Operations, Dr Gavin Palmer, spoke to the report and answered Councillor questions. After a general discussion, Councillor Robertson asked for a motion.

Resolution

That the Council:

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

Moved: Cr Kempton
Seconded: Cr Hope
CARRIED

11. MATTERS FOR NOTING

11.1. General Manager's Report on Progress

Councillor Robertson reviewed the report. Present to respond to questions was the Acting Manager Policy and Planning, Anita Dawe. After a general discussion, Councillor Robertson asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.

Moved: Cr Woodhead

Seconded: Cr Brown

CARRIED

11.2. NZ Drinking Water Report

The Acting Manager Policy and Planning, Anita Dawe, summarised the recently released Ministry of Health *Annual Report on Drinking Water Quality 2017-18*. She said the paper provides information useful to ORC staff, given the statutory requirements for managing drinking water and freshwater. Ms Dawe responded to questions from the Councillors, and mentioned the report is for noting only. The Acting General Manager Regulatory, Peter Winder, stated the overwhelming responsibility for provision of safe drinking water lies with the territorial authorities and the district health boards. Councillor Robertson requested staff bring a paper detailing ORC's role in the provision of drinking water to the next Regulatory Committee meeting.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Directs** staff to provide a report on the ORC's responsibilities in the provision of safe drinking water to the next Regulatory Committee meeting.

Moved: Cr Hope

Seconded: Cr Noone

CARRIED

Cr Scott left the meeting at 02:48 pm.

Cr Scott returned to the meeting at 02:50 pm.

12. NOTICES OF MOTION

No Notices of Motion were advised.

13. CLOSURE

The meeting was declared closed at 02:54 pm.

Chairperson

Date

8. ACTIONS

Status report on the resolutions of the Policy Committee

Water Meter Telemetry	28/11/2018	Report to Policy Committee to detail the communications strategy to encourage landowners to install telemetry sites to improve real-time collection of water meter data.	COMPLETE 31/07/2019
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9. MATTERS FOR NOTING

9.1. General Manager's Report on Progress

Prepared for:	Policy Committee
Report No.	PPRM1900
Activity:	Governance Report
Author:	Anita Dawe, Acting Manager Policy
Endorsed by:	Sarah Gardner, Chief Executive
Date:	4 September 2019

PURPOSE

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

EXECUTIVE SUMMARY

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

STAFF RECOMMENDATION

That the Council:

- a) **Receives this report.**

BACKGROUND

Emerging Issues

- [3] The proposed National Policy Statement for Highly Productive Land (NPSHPL) and the National Policy Statement for Urban Development (NPSUD) have both been released for consultation. Submissions close in early October.
- [4] The Essential Freshwater Package is intended for release on 5 September 2019, and may include a number of National Environmental Standards, including an updated NES

Drinking Water, a new NES for Wastewater Discharges, an NES on Farm Environmental Plans and to manage further loss of wetlands and urban streams, intensification, and set rules to control intensive winter grazing and feedlots.

Section 24A Investigation

- [5] A report is expected from Professor Skelton to Minister Parker on 2 September 2019. It is anticipated that any actions as a result of the report will be conveyed to ORC as soon as possible following that.

Responses to external policies, plans etc

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

Dunedin City Council District Plan Review (2GP) Decisions

- [7] Mediation on the 2GP has commenced, with three weeks in August concerning hazards, control of dust from earthworks, and rural fragmentation issues. Mediation has been somewhat successful however the interrelatedness of the strategic directions with specific zoning appeals means that some issues were not able to be resolved until site specific discussions have occurred. The ORC is a party to those site-specific appeals and will continue to work through appeals on a case by case basis.

Proposed Regional Policy Statement

- [8] There is no indication of when the decision from the High Court on the Port topic is likely. Hearing dates for the Mining and Biodiversity offsetting topics and the procedural decision are yet to be confirmed.
- [9] Parties agreed on alternative wording for provisions to address the Environment Court's concerns regarding Chapter 3. Further mediation was not required. A consent memorandum presenting the proposed changes for the Court's consideration was lodged with the Environment Court.
- [10] The Environment Court released a decision on 29 August 2019 in relation to the alternative wording agreed by all parties. This decision determined that the pORPS is not consistent with the direction in King Salmon, in that it is seeking to allow an overall subjective judgement.
- [11] Staff will be meeting with legal counsel in the next few weeks to explore solutions to the latest decision.

Water quality

- [12] Following Council's resolution of 14 August 2019, two plan changes are being developed to strengthen the Regional Plan: Water for Otago's policies and rules, with a particular focus on water quality.

- [13] The first plan change, which proposes to delay the commencement date of the Plan's discharge contaminant concentration thresholds (Schedule 16) and nitrogen leaching limits (Overseer) will be presented to Council on 25 September 2019, to approve its notification. Consultation on this plan change is underway.
- [14] The second plan change, which will strengthen the Plan's policies and rules, will be notified in March/April 2020. Planning consultants have been contracted to assist with the development of this plan change.
- [15] Early stakeholder engagement indicates general support for ORC's decision to prepare those two plan changes.

Biodiversity

The New Zealand Biodiversity Strategy

- [16] On 3 September 2019, staff will attend an Otago workshop on a refreshed New Zealand Biodiversity Strategy, to be finalised by the end of 2019. The Otago workshop will have a particular focus on coastal issues. Consultation on a discussion document *Te Koiora o te Koiora - Our shared vision for living with nature*¹ runs from 5 August to 22 September 2019. In addition to providing feedback at workshops, staff will also make a written submission. The strategy and the proposed NPS on Indigenous Biodiversity (discussion document to be released in October 2019) are complementary and generally consistent with the direction ORC has set in its Biodiversity Action Plan and Strategy.²
- [17] The proposed strategy vision for 2070 is that:

Nature in Aotearoa is healthy, abundant, and thriving. Current and future generations connect with nature, restore it, and are restored by it.

- [18] The strategy group proposed eight outcomes to accomplish the vision in three themes:

Whakahou (empower)

To ensure New Zealanders can act to restore our nature:

- All New Zealanders can connect with nature and recognise its value in supporting intergenerational wellbeing.
- Tangata whenua are exercising their role as kaitiaki.

Tiaki (protect and restore)

To help focus work on protecting and restoring our unique nature:

- A full range of ecosystems on land and water are healthy and functioning.
- Indigenous species and their habitats are secure and thriving.
- Indigenous biodiversity is managed to be resilient to global changes.

Wānanga (promote behaviours and systems)

¹<https://www.doc.govt.nz/globalassets/documents/conservation/protecting-and-restoring/biodiversity-discussion-document.pdf>

² <https://www.orc.govt.nz/plans-policies-reports/strategies/biodiversity-strategy-and-action-plan>

To empower others and protect nature:

- Introduced species are managed to maintain or enhance indigenous biodiversity, while providing for the values that non-indigenous species provide.
- Our economic activity provides for the restoration and protection of our indigenous nature.
- New Zealand is making a meaningful contribution to global biodiversity management.

[19] Five system shifts are proposed as the most important changes we need during the next five years.

- Getting the system right to help enable and deliver our goals with clear roles at all levels (local, regional and national).
- Empowering kaitiakitanga and mātauranga māori by embedding Te Ao Māori perspectives throughout our work and enabling kaitaki at all levels.
- Empowering communities to take action so all New Zealanders can be well-connected stewards of nature.
- Connecting ecosystems from the mountain tops to the ocean depths and managing them in a joined-up way.
- Innovating for the future by using technology and science to transform how we manage our nature's health.

Biodiversity Otago Iwi & Interagency Hui

[20] Following on from the Otago Conservation Board (OCB) Regional Biodiversity Hui in September 2018, policy staff have organised a second Biodiversity Otago Iwi and Interagency Hui. The Biodiversity Otago Hui will be a day long workshop held in Dunedin at Philip Laing House on Friday 13 September 2019. Its purpose is to find common ground where we can work together across landscapes and ecosystems. Representatives from Kai Tahu and staff from central and local government agencies working in Otago (DoC, LINZ, the 5 TLAs and ORC) will each present on their biodiversity objectives and the contexts they work within, followed by an interactive session of group work to identify ways forward.

[21] The need to progress two key actions emerged from the last year's OCB hui:

- A Regional strategy with shared goals across iwi, agencies, groups and land users; and
- Recognising the importance of story-telling and community engagement to capture hearts and minds and make care for biodiversity and the environment an integral part of everyday practice and decision-making.

[22] The first action above is consistent with several actions in ORC's recently approved *Biodiversity Action Plan* to:¹

Action 1.1 Build on existing predator and weed control initiatives to develop and implement landscape scale programmes

¹ <https://www.orc.govt.nz/plans-policies-reports/strategies/biodiversity-strategy-and-action-plan>

- Action 2.2 Facilitate and participate in regional and national level engagement to improve collaboration and coordinate effort
- Action 3.4 Scope work to develop a common platform to share information on biodiversity and biosecurity in Otago.

Council's biodiversity and biosecurity work programme

- [23] Policy staff are leading the internal working group on ORC's Biodiversity and Biosecurity (Bio) activities. The group is working to integrate and resource ORC's Bio work programmes and ensure implementation of existing plans and strategies.
- [24] The regional biodiversity mapping work is due for completion in March 2020, with priority ecosystems to be identified by September 2020. In the meantime the process of developing business case options is progressing through:
- a review of currently budgeted Bio funding streams,
 - contracting a biodiversity/biosecurity specialist to help develop the business case for resourcing the Bio work programme,
 - developing a business case that identifies a range of options to be considered within the 2020/2021 annual planning cycle.

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

- [25] Recently released minutes from the Environment Court indicate that two decisions are being written in relation to the appeal on Plan Change 5A and the Lindis Catchment Group (LCG) resource consent application to replace all deemed permits within the catchment. The correspondence received from the Court does not include information around the timing of the release of these decisions.

Manuherehia, Arrow and Cardrona (MAC) Catchments

- [26] NIWA has been working on the development of TopNet/CHES, a hydrological model for the Manuherehia catchment, while also reviewing the hydrology for the Arrow and Cardrona catchments and updating this information to incorporate within the flow data and water-take data for the most recent irrigation season (1 October 2018 – 1 May 2019). The review of the Arrow and Upper Cardrona hydrology has been completed by NIWA and is now being used to inform other technical work, including habitat modelling and social and economic impact assessments. Work on the development of TopNet/CHES for the Manuherehia is continuing and is scheduled to be completed by the end of August or early September 2019.
- [27] Since its inception in July 2019, the Manuherehia Reference Group (MRG) has met on two occasions. During the first meeting on 12 July 2019, the MRG was provided with presentations on the plan change process and on the approach for managing resource consent applications to replace deemed permits. During the second meeting on 8 August 2019, Kai Tahu representatives gave a presentation on the Kai Tahu values supported by the Manuherehia water resources, while ORC staff provided a high-level overview of the State of the Environment of the catchment. Further meetings of the MRG are planned on 10 September 2019 and 15 October 2019. The agenda for the September meeting will include an overview of the history of water use in the Manuherehia, while the October meeting will focus more on the hydrological modelling of the catchment.

- [28] The Technical Advisory Group (TAG) has had three meetings to date, including the most recent on 27 August 2019. An important task for the TAG in the coming months will be the roll-out of a review of both the TopNet/CHES and Goldsim hydrological models for the catchment. The outcome of this review will be instrumental in bringing about a common understanding between the key stakeholders around the use of a suitable hydrological framework for assessing diverse management options and their effects on instream values and out of stream uses.
- [29] ORC is currently organising values confirmation meetings in the Manuherehia Rohe. These public sessions are scheduled to take place on Thursday 26 September 2019 in Omakau and on Friday 27 September 2019 in Alexandra. The meetings are being complemented by on-line consultation.
- [30] A consultant has been confirmed to assist with plan writing for the Arrow and Cardrona catchments, beginning in September 2019. Staff are combining the values information from the May community meetings with scientific and economic analysis to develop potential scenarios for future use. Once developed, this work will be presented to the Arrow and Cardrona communities later this year.

Mediation on the Queenstown Lakes Proposed District Plan

- [31] Mediation on Stage II has largely concluded, with many issues resolved across parties. Staff are continuing to meet with staff from Queenstown Lakes District Plan with respect to Stage III which has yet to be notified. Staff understand that Stage III is likely to be predominantly focused on natural hazards, particularly in the Gorge Road area.

Appendix 1: Regulatory Responses

1.1 National Plans, Policies, Strategies

The following were received over the period to 23 August 2019:

Agency	Number	Document
MfE	1	National Policy Statement Urban Development discussion paper
MfE	1	National Environmental Standard – Outdoor storage of Tyres Update following submissions: MfE noted the most significant change following consultation is that the responsibility for implementing the NES will lie with Regional authorities.
MfE	1	National Policy Statement Highly Productive land

The following responses were made over the period to 23 August 2019:

Proposal	Response Type	Issues
None		
Proposed Dam Safety Regulations (MfE)	Submission	As reported last committee round, ORC supported the proposed regulations.

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	<p>Formal mediation has started on the 2GP's strategic level policies which ORC is attending to ensure any mediation relief is not contrary to the operative RPS 2019.</p> <p>ORC and DCC have agreed to design a work programme to inform and improve in time how the 2GP manages coastal risk in low lying areas, outside of South Dunedin.</p> <p>DCC is also outlined its work in preparing 'variation 2' for the 2GP. This variation will address responding to demand for housing in the district. ORC has formally indicated to DCC its interest in this variation.</p>
CODC	Review pending	<p>ORC staff understand the earliest the plan review will commence is 2nd half of 2019.</p>
	PC13 (River Terrace)	<p>The decision for Plan Change 13 is pending.</p>
QLDC	District Plan Review	<p>Stage 1 of 4: Notified: 12 Feb 2016</p> <p>Stage 1 decisions released 7 May 2018.</p> <p>Stage 2 notified 23 November 2017.</p> <p>Submissions closed 23 February 2018.</p> <p>For stage one, ORC has been involved in mediation on a number of topics it either appealed or because it joined other appeals.</p> <p>For Stage two it is not considered necessary for ORC to appeal the decision. ORC has joined a number of other parties appeals to ensure it can represent its position and concerns, if necessary, when those appeals are heard.</p>
WDC	Review pending	<p>Stage 1: Initial consultation underway</p> <p>ORC and WDC staff have met to discuss pre notification input from ORC. WDC has</p>

		provided ORC a draft heritage chapter for comment. Further chapters will be provided for ORC comment but will not affect ORC submitting once the plan review is publicly notified.
CDC	Notification of Plan Change 41A – variation to Milton Industrial Zone	A hearing date is yet to be announced.

1.3 Territorial Authority and Regional Council Resource Consent Applications

The following were received over the period to 23 August 2019:

Agency	Number	Document
CODC	4	Resource Consent applications
QLDC	2	Resource Consent applications
QLDC – SH190005	1	This is an application for resource consents under the Housing Accord and Special Housing Areas Act (HASHA) for the Universal developments proposed subdivision at Hawea.
QLDC	1	Resource consent application
WDC	1	Resource consent application

The following responses were made over the period to 23 August 2019:

Agency	Number	Document
CODC	2	Submissions on Resource Consent applications

No other responses were made, nor proposals received over the period to 23 August 2019.

ATTACHMENTS

Nil

10. CLOSURE