

# Council Meeting Agenda - 25 August 2021



Meeting conducted electronically and livestreamed  
Link to: [Otago Regional Council YouTube Channel](#)

## Members:

|                                     |                       |
|-------------------------------------|-----------------------|
| Cr Andrew Noone, Chairperson        | Cr Carmen Hope        |
| Cr Michael Laws, Deputy Chairperson | Cr Gary Kelliher      |
| Cr Hilary Calvert                   | Cr Kevin Malcolm      |
| Cr Michael Deaker                   | Cr Gretchen Robertson |
| Cr Alexa Forbes                     | Cr Bryan Scott        |
| Hon Cr Marian Hobbs                 | Cr Kate Wilson        |

Senior Officer: Sarah Gardner, Chief Executive

Meeting Support: Dianne Railton, Governance Support Officer

25 August 2021 01:00 PM

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| 1. APOLOGIES<br>No apologies were noted at the time of publication of the agenda.   |             |
| 2. PUBLIC FORUM<br>Requests to speak should be made to the Governance Support team on 0800 474 082 or to <a href="mailto:governance@orc.govt.nz">governance@orc.govt.nz</a> at least 24 hours prior to the meeting; however, this requirement may be waived by the Chairperson at the time of the meeting.<br>No requests were received prior to publication of the agenda. |             |
| 3. CONFIRMATION OF AGENDA<br>Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.  |             |
| 4. CONFLICT OF INTEREST<br>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.  |             |
| 5. CONFIRMATION OF MINUTES<br>The Council will consider minutes of previous Council Meetings as a true and accurate record, with or without changes.  | 4           |
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|      | This report is to note the preferred irrigation season minimum flows for the Manuherekia rohe, part of the Clutha Mata-au Freshwater Management Unit, that will be included in the proposed Land and Water Regional Plan when it is notified in 2023.      |    |
|      | 7.1.1 Attachment 1: Manuherekia Timeline   | 32 |
| 7.2  | <b>MANUHEREKIA FMU - NON-REGULATORY SUPPORT INITIATIVES</b>  | 38 |
|      | This report is to seek direction from Council on potential initiatives in the Manuherekia Freshwater Management Unit that would complement the regulatory water management regime being proposed for the new Land and Water Plan.                          |    |
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| 7.3  | <b>UPDATE ON THE INTERPRETATION OF THE RPS AS A FRESHWATER INSTRUMENT</b>  | 50 |
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| 7.4  | <b>ORC APPOINTMENT TO COSY HOMES TRUST</b>   | 54 |
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| 7.5  | <b>ORC SUBMISSION ON FRESHWATER FARM REGULATIONS</b>   | 57 |
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|        | That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987), namely: |     |
|        | - Corrected Minutes of the 27 May 2021 public-excluded Council Meeting   |     |
|        | - Minutes of the 23 June 2021 public-excluded Council Meeting  |     |
|        | - Adopt recommendations of the 7 July 2021 public-excluded Implementation Committee  |     |
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| 12.    | CLOSURE  |     |



Minutes of an ordinary meeting of Council held in the  
Council Chamber on  
Wednesday 16 June 2021 at 1:00 PM

**Membership**

Cr Andrew Noone *(Chairperson)*  
Cr Michael Laws *(Deputy Chairperson)*  
Cr Hilary Calvert  
Cr Alexa Forbes  
Cr Michael Deaker  
Hon Cr Marian Hobbs  
Cr Carmen Hope  
Cr Gary Kelliher  
Cr Kevin Malcolm  
Cr Gretchen Robertson  
Cr Bryan Scott  
Cr Kate Wilson

**Welcome**

Chairperson Noone welcomed Councillors, members of the public and staff to the meeting at 1:00 pm. Staff present included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory), Amanda Vercoe (GM Governance, Culture and Customer), Dianne Railton (Governance Support), Anita Dawe (Manager, Policy & Planning), Lisa Hawkins (Team Leader RPS, Air & Coast [via Zoom]), James Adams (Senior Analyst, RPS, Air & Coast), Kyle Balderston, Liam Gladding (Policy Analyst), Rachel Currie (Policy & Planning Support), Ryan Tippet (Senior Media Advisor [via Zoom], Peter Kelliher (Legal Counsel), Alistair Logan and Simon Anderson (Ross Dowling Marquet Griffin Lawyers), Felicity Boyd (Incite), Sandra McIntyre and Michael Bathgate (Aukahu), Peter Constantine (PlanWrite),

*For our future*

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### 1. APOLOGIES

No apologies were received.

### 2. CONFIRMATION OF AGENDA

There were no changes to the published agenda.

### 3. CONFLICT OF INTEREST

Cr Hope advised of a possible conflict of interest due to having carbon credits for forestry blocks. Chair Noone and Cr Scott advised they both have interests in forestry but not related to Carbon Forestry.

### 4. RESOLUTION TO EXCLUDE THE PUBLIC

#### Resolution

*That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987) and that that Alistair Logan and Simon Anderson (Ross Dowling Marquet Griffin Lawyers), Felicity Boyd (Incite), Peter Constantine (PlanWrite), Sandra McIntyre & Michael Bathgate (Aukaha), be permitted to remain at this meeting, after the public has been excluded, because of their knowledge which will be of assistance in relation to the matter to be discussed:*

- RPS Notification

Moved: Cr Noone

Seconded: Cr Hope

Cr Calvert spoke against the motion, saying there is pressure to adopt the RPS and therefore felt it is important for the public to understand what Council is choosing to do today, including the arguments and legal advice. Cr Robertson asked for legal advice on why the paper should be considered in a public or public excluded Council meeting. There was further discussion before Cr Malcolm moved to adjourn the meeting.

#### Resolution

*That the meeting be adjourned at 1.13pm, for legal further legal advice.*

Moved: Cr Malcolm

Seconded: Cr Noone

CARRIED

*The meeting reconvened at 1.21pm.*

Peter Kelliher (ORC Legal Counsel), joined the meeting to provide advice on the LGOIMA exclusions that were provided for the paper. Mr Kelliher said that while the LGOIMA exclusions were provided, Council can choose to discuss the report in public. Sarah Gardner said there are relevant reasons for the paper to be public excluded and there has been a precedence where previous plan changes have been heard in public excluded Council meetings. Mr Alistair Logan said moving in and out between public excluded and public meetings make it difficult for continuity.

Following lengthy discussions, a division was called on the vote to exclude public from the meeting.

**Vote**

For: Cr Deaker, Cr Hobbs, Cr Noone, Cr Robertson, Cr Wilson

Against: Cr Calvert, Cr Forbes, Cr Hope, Cr Laws, Cr Kelliher, Cr Malcolm, Cr Scott

Abstained: nil

The motion for the RPS Notification paper to be held in public excluded failed.

*Cr Laws left the meeting at 02:12 pm and returned at 2.13pm.*

**3.1. RPS Notification**

The paper was provided to consider notification of the Proposed Otago Regional Policy Statement (RPS) 2021 for public notification, as a freshwater planning instrument. Gwyneth Elsum (General Manager Strategy, Policy & Science), Anita Dawe (Manager Policy & Planning), Felicity Boyd (Incite), Alistair Logan (Ross Dowling Lawyer) were present to speak to the report and respond to questions.

*Cr Scott left the meeting at 2.42pm and returned at 2.43pm.*

*Cr Hope left the meeting at 2:46 pm due to a possible conflict of interest.*

Sarah Gardner acknowledged the importance of the RPS document and thanked staff and others who have been involved in compiling the RPS. There was lengthy discussion whether carbon forestry, should be detailed in the RPS document. Staff provided a list of provisions in the RPS that would address Carbon Farming. Cr Kelliher sat back from the table for discussions regarding catchments. Following further discussions, Cr Deaker moved:

*Cr Hope returned to the meeting at 3.22pm*

**Resolution**

*That the Council:*

- 1) **Receives** this report.
- 2) **Affirms** that the Proposed Otago Regional Policy Statement 2021 is a freshwater planning instrument as defined in Section 80A (2) of the Resource Management Act 1991
- 3) **Adopts** the Proposed Otago Regional Policy Statement 2021 and the Evaluation Report prepared pursuant to Section 32 of the Resource Management Act 1991.
- 4) **Approves** the Proposed Otago Regional Policy Statement 2021 and the Evaluation Report prepared pursuant to Section 32 of the Resource Management Act 1991 for public notification on 26 June 2021, for a period of 50 working days.
- 5) **Notes** that the Manager Policy & Planning has delegated authority to amend the proposed Regional Policy Statement in accordance with Clauses 16(1) and 16(2) of the First Schedule to the Resource Management Act 1991, to make alterations of minor effect, or correct minor errors.

Moved: Cr Deaker  
Seconded: Cr Calvert  
CARRIED

Cr Laws abstained from voting.

**5. CLOSURE**

There was no further business and Chairperson Noone declared the meeting closed at 3:50 pm.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

DRAFT MINUTES



Minutes of an ordinary meeting of Council held in the  
Council Chamber on  
Wednesday 23 June 2021 at 1:00 PM

**Membership**

Cr Andrew Noone *(Chairperson)*  
Cr Michael Laws *(Deputy Chairperson)*  
Cr Hilary Calvert  
Cr Alexa Forbes  
Cr Michael Deaker  
Hon Cr Marian Hobbs  
Cr Carmen Hope  
Cr Gary Kelliher  
Cr Kevin Malcolm  
Cr Gretchen Robertson  
Cr Bryan Scott  
Cr Kate Wilson

**Welcome**

Chairperson Noone welcomed Councillors, members of the public and staff to the meeting at 1:03 pm. Staff present included Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gwyneth Elsum (GM Strategy, Policy and Science), Gavin Palmer (GM Operations), Richard Saunders (GM Regulatory and Communication), Amanda Vercoe (GM Governance, Culture and Customer), Dianne Railton (Governance Support), Mike Roesler (Manager Corporate Planning), Sarah Harrisson (Manager Finance – Revenue), Garry Maloney (Manager Transport), Joanna Gilroy (Manager Consents), Marianna Brook (Senior Advisor Mayoral Forum), Helen Manly (Team Leader Water), Julie Everett-Hincks (Manager Science), Andrea Howard (Manager Biosecurity & Rural Liaison), Murray Boardman (Performance & Delivery Facilitator) and Ryan Tippet (Media Communications Lead).

## 1. APOLOGIES

*There were no apologies. Cr Laws joined the meeting via electronic link.*

## 2. PUBLIC FORUM

No public forum was held.

## 3. CONFIRMATION OF AGENDA

The agenda was confirmed as published.

## 4. CONFLICT OF INTEREST

Cr Forbes advised of a possible conflict of interest for the Carbon Zero paper.

## 5. CONFIRMATION OF MINUTES

### Resolution

*That the minutes of the (public portion of the) Council meetings held on 27 May 2021 be received and confirmed as a true and accurate record.*

Moved: Cr Noone

Seconded: Cr Wilson

CARRIED

### Resolution

*That the minutes of the (public portion of the) Council meeting held on 9 June 2021 be received and confirmed as a true and accurate record.*

Moved: Cr Hope

Seconded: Cr Deaker

CARRIED

## 6. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

The status report on the resolutions of the Council Meeting was reviewed. Gwyneth Elsum advised that the Harbour Plan paper will come to Council in August 2021.

## 7. MATTERS FOR CONSIDERATION

### 7.1. Adoption of Long Term Plan 2021/31

The report presented the final version of the Otago Regional Council Long-term Plan 2021 -31 (LTP) for Council adoption. Nick Donnelly (GM Corporate Services), Mike Roesler (Manager Corporate Planning) were present to speak to the report and respond to questions.

Mr Donnelly tabled the final LTP document and draft Auditors Letter. He said that the LTP consultation assumed ORC would move to new premises in Dunedin in Year 4, but the timing will now be in Year 3, so it is the same transaction for the building, just moving the date forward 12 months.

**Resolution CM21-113: Cr Malcolm Moved, Cr Calvert Seconded**

*That the Council:*

- 1) **Adopts** the Revenue and Financing Policy as included in the Long-term Plan 2021-31 (attached as Attachment 1).

**Motion Carried**

**Resolution CM21-114: Cr Malcolm Moved, Cr Calvert Seconded**

*That the Council:*

- 1) **Adopts** the Fees and Charges Schedule as included in the Long-term Plan 2021-31 (attached as Attachment 1). Note on page 101 under Schedule of Fees and Charges 'These are subject to the RMA, i.e. need to be a fair and reasonable test'.

**Motion Carried**

**Resolution CM21-115: Cr Malcolm Moved, Cr Calvert Seconded**

*That the Council:*

- 1) **Resolves** that it is financially prudent to have an annual operating deficit in the first three years (2021/22, 2022/23 and 2023/24) of the Long-term Plan 2021-31.

**Motion Carried**

**Resolution CM21-116: Cr Malcolm Moved, Cr Calvert Seconded**

*That the Council:*

- 1) **Delegates** authority to the Otago Regional Council Chairperson to sign the Audit Representation Letter on behalf of Council once the External Auditors have provided their report and clearance on the Long-term Plan 2021-31

**Motion Carried**

**Resolution CM21-117: Cr Malcolm Moved, Cr Calvert Seconded**

*That the Council:*

- 1) **Adopts** the Otago Regional Council Long-term Plan 2021-31 as amended post Council deliberations and as tabled at the 23 June 2021 Council meeting.

**Motion Carried**

**Resolution CM21-118: Cr Malcolm Moved, Cr Calvert Seconded**

*That the Council:*

- 1) **Notes** the Long-term Plan 2021-31 includes the Financial Strategy, Infrastructure Strategy and Significance and Engagement Policy as required under the Local Government Act 2002.

**Motion Carried**

**Resolution CM21-119: Cr Malcolm Moved, Cr Calvert Seconded**

*That the Council:*

- 1) **Delegates** authority to the Council's Chief Executive in consultation with Council's external auditor to make alterations of minor effect or to correct any minor errors to the adopted Long-term Plan 2021-31.

**Motion Carried**

**Resolution CM21-120: Cr Malcolm Moved, Cr Calvert Seconded**

*That the Council:*

- 1) **Notes** the Otago Regional Council Long-term Plan 2021-31 contains the assumption that Council will maintain its role and responsibility for public transport.

**Motion Carried**

**Resolution CM21-121: Cr Malcolm Moved, Cr Calvert Seconded**

*That the Council:*

- 1) **Authorises** the Chair to confirm Council's position regarding public transport in a letter to the Mayor of Dunedin City Council.

**Motion Carried**

**Resolution CM21-122: Cr Wilson Moved, Cr Hope Seconded**

*That the Council:*

*Refers the following draft motions to the Implementation Committee:*

- 1) **Requests** staff report in December and three monthly thereafter to Council on progress on gravel extraction consents.
- 2) **Requests** staff report three monthly on development of work programmes for the 2022/23 and subsequent annual plans for river management.
- 3) **Requests** staff provide Council with a report on timeframes and process to better develop asset management plans for plantings alongside river banks.

**Motion Carried**

**7.2. Rates Report and Rates Resolution**

The report provided details of each of the rates to be set, and to recommend that Council adopts the rates resolution for the 2021-22 financial year. Nick Donnelly (GM Corporate Services) and Sarah Harrisson (Manager Finance - Revenue) were present to speak to the report and respond to questions. Following discussion, Cr Hobbs moved:

**Resolution CM21-123: Cr Hobbs Moved, Cr Hope Seconded**

*That the Council:*

- 1) **Receives** this report and the attached Rating and Sample Reports.
- 2) **Adopts** the Rating Resolution for the 2021-22 financial year.

**Motion Carried**

### **7.3. Adoption of 2021-31 Regional Land Transport Plan**

The report was provided to seek Council approval of the Otago Regional Land Transport Plan 2021-2031 for submission to Waka Kotahi NZ Transport Agency (WKNZTA). Gavin Palmer (GM Operations) and Garry Maloney (Manager Transport) were present to speak to the report and respond to questions. Following discussions Cr Forbes moved:

#### **Resolution CM21-124: Cr Forbes Moved, Cr Wilson Seconded**

*That the Council:*

- 1) **Receives** this report.
- 2) **Approves** the Otago Regional Land Transport Plan 2021-2031 (being those parts of the Otago Southland Regional Land Transport Plans 2021 2031 that apply in Otago).
- 3) **Agrees** to forward the Otago Regional Land Transport Plan 2021-2031 to Waka Kotahi New Zealand Transport Agency by the 30 June 2021.

#### **Motion Carried**

### **7.4. Adoption of 2021-31 Regional Public Transport Plan**

The report was provided for the approval of the Otago Regional Public Transport Plan 2021-2031. Gavin Palmer (GM Operations) and Garry Maloney (Manager Transport) were present to speak to the report and respond to questions.

*Cr Laws left the meeting at 3:32 pm.*

#### **Resolution CM21-125: Cr Deaker Moved, Cr Forbes Seconded**

*That the Council:*

- 1) **Receives** this report.
- 2) **Adopts** the appended Regional Public Transport Plan 2021-2031 as final.
- 3) **Delegates** to the Council Chairperson, the power to approve minor editorial changes to the Draft Regional Public Transport Plan 2021-2031 subsequent to this meeting.
- 4) **Requests** the Chair of ORC meet at an early opportunity with the Mayor of DCC with their respective CE's, to discuss passenger transport and a joint approach going forward.

#### **Motion Carried**

*The meeting adjourned for a short break at 3.45pm and reconvened at 4.01pm*

### **7.5. Consent Fees Policy**

The report was provided to present a policy on Otago Regional Council (ORC) support for resource consent processing fees for environmental enhancement projects. Richard Saunders (GM Regulatory & Communications) and Joanna Gilroy (Manager Consents) were present to speak to the report and respond to questions.

During discussion Richard Saunders was asked what happens if the allocated funds are used. Mr Saunders replied this funding would be included in the quarterly report to the Regulatory Committee.



**Resolution CM21-126: Cr Hope Moved, Cr Calvert Seconded**

*That the Council:*

- 1) **Receives** this report.
- 2) **Approves** the *ORC Financial Support for Resource Consent Processing Fees - Environmental Enhancement Projects Policy – 2021, referred to as Option 1 in the paper, and its implementation from 1 July 2021*
- 3) **Approves** an update to the *Otago Regional Council Delegations Manual to reflect the new Policy and delegate under the policy to the General Manager Regulatory and Communications*
- 4) **Notes** that staff will report quarterly to the *Regulatory Committee on the implementation of this Policy*
- 5) **Requests** that staff review the policy at the end of the *2021/2022 year and report back to Council on any recommended changes*

**Motion Carried**

**7.6. Zero Carbon 2030 Alliance Memorandum of Understanding**

The was provided for Council's approval for the Memorandum of Understanding (MOU) for the Dunedin City Zero Carbon 2030 Alliance. Amanda Vercoe (GM Governance, Culture & Customer) and Marianna Brook (Senior Advisor - Mayoral Forum) were present to speak to the report and respond to questions.

*Cr Forbes sat back from the table for this item due to a possible conflict.*

**Resolution CM21-127: Cr Noone Moved, Cr Wilson Seconded**

*That the Council:*

- 1) **Notes** the Council agreed on 24 February 2021 to participate in a founding group developing a *Memorandum of Understanding and Terms of Reference for the Dunedin City Zero Carbon 2030 Alliance.*
- 2) **Approves** the attached *Dunedin City Zero Carbon 2030 Alliance Memorandum of Understanding, thereby making ORC a formal member of the Alliance.*
- 3) **Delegates** authority to the Chair to incorporate any amendments to the *Memorandum of Understanding sought by other members, and to sign the final version on the Council's behalf.*
- 4) **Notes** that should Council agree to sign up to the Alliance, staff will provide reporting to Council on how the Alliance discussions and activities are progressing.

**Motion Carried**

*Cr Forbes returned to the table.*

**7.7. Science Programme to Inform the Land and Water Plan**

The report summarised the Freshwater Management Unit (FMU) based science and research programme to gather land and water information which will be used to inform the new Land and Water Regional Plan (LWRP). Gwyneth Elsum (General Manager Strategy, Policy & Science), Helen Manly (Team Leader Water), Julie Everett-Hincks (Manager Science), Ben Mackey (Team

Leader - Land) and Pete Ravenscroft (Team Leader - Biodiversity) were present to speak to the report and respond to questions.

Gwyneth Elsum advised that the science will be communicated so that it is more accessible to people and easier to understand and said that Richard Saunders is in discussion with Communications & Engagement and others about how best we can do that. Following further discussion, Cr Kelliher moved:

**Resolution CM21-128: Cr Kelliher Moved, Cr Hope Seconded**

*That the Council:*

- 1) **Receives** this report
- 2) **Notes** the broad scale regional approach taken by ORC Science to underpin the Land and Water Regional Plan.

**Motion Carried**

*Cr Robertson left the meeting at 4:53 pm.*

**7.8. 2021-2022 Regional Pest Management Plan Biosecurity Operational Plan**

The report was provided for Council's approval to adopt the Otago Regional Council's Regional Pest Management Plan - 2021/2022 Operational Plan. Gavin Palmer (GM Operations) and Andrea Howard (Manager Biosecurity and Rural Liaison) were present to speak to the report and respond to questions. Following discussion, Cr Calvert moved:

**Resolution CM21-129: Cr Calvert Moved, Cr Noone Seconded**

*That the Council:*

- 1) **Receives** this report.
- 2) **Approves** the Otago Regional Council's Regional Pest Management Plan - 2021-2022 Operational Plan.
- 3) **Agrees** to provide a copy of the Otago Regional Council's Regional Pest Management Plan – 2021/2022 Operational Plan to the Minister for Biosecurity as required under Section 100B of the Biosecurity Act 1993.
- 4) **Notes** that staff will report back to Council any response from the Minister for Biosecurity.

**Motion Carried**

**8. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS**

**8.1. Recommendations of the Data and Information Committee**

**Resolution CM21-130: Cr Calvert Moved, Cr Forbes Seconded**

*That the Council:*

- 1) **Adopts** the resolutions of the 9 June 2021 Data and Information Committee meeting.

Moved: Cr Calvert

Seconded: Cr Forbes

CARRIED

## 8.2. Recommendations of the Finance Committee

### Resolution CM21-131: Cr Calvert Moved, Cr Forbes Seconded

*That the Council:*

- 1) **Adopts** the resolutions of the 26/27 May 2021 Finance Committee meeting.

Moved: Cr Calvert

Seconded: Cr Forbes

CARRIED

## 8.3. Recommendations of the Implementation Committee

### Resolution CM21-132: Cr Calvert Moved, Cr Forbes Seconded

*That the Council:*

- 1) **Adopts** the resolutions of the 9 June 2021 Implementation Committee meeting.

Moved: Cr Calvert

Seconded: Cr Forbes

CARRIED

## 8.4. Recommendations of the Regulatory Committee

### Resolution CM21-133: Cr Calvert Moved, Cr Forbes Seconded

*That the Council:*

- 1) **Adopts** the resolutions of the resolutions of the 10 June 2021 Regulatory Committee.

Moved: Cr Calvert

Seconded: Cr Forbes

CARRIED

## 8.5. Recommendations of the Otago Southland Regional Transport Committee

### Resolution CM21-134: Cr Calvert Moved, Cr Forbes Seconded

*That the Council:*

- 1) **Adopts** the resolutions of the 11 June 2021 Otago and Southland Transport District.

Moved: Cr Calvert

Seconded: Cr Forbes

CARRIED

## 9. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

### 9.1. Chairperson's Report

Cr Kelliher said there had previously been discussion about Environment Southland's lack of funding for the Rescue Helicopter. He asked if Environment Southland have included funding for the Rescue Helicopter in their Long-term Plan, and if not, reminded Chair Noone that this was to be actioned.

**Resolution**

*That the Council:*

- 1) **Receives the Chairperson’s report.**

Moved: Cr Hope  
 Seconded: Cr Forbes  
 CARRIED

**9.2. Chief Executive's Report**

Cr Forbes said she received very good feedback from Wai Wanaka, acknowledging Andrea Howard's work with Wai Wanaka and the recent meeting between ELT and Wai Wanaka.

**Resolution**

*That the Council:*

- 1) **Receives the Chief Executive’s report.**

Moved: Cr Hope  
 Seconded: Cr Forbes  
 CARRIED

**10. RESOLUTION TO EXCLUDE THE PUBLIC**

**Resolution**

*That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987) namely:*

- 1.1. Minutes of the 14 April 2021 public excluded Council Meeting
- 1.2 Minutes of the 27 May 2021 public excluded Council Meeting
- 3.1. Approval to Proceed with Funding Agreements
- 3.2. Facilitation of Landholder Access to Poisoned Rabbit Bait
- 4.0 Approve recommendations of the 12 May 2021 public-excluded Strategy and Planning Committee

Moved: Cr Hobbs  
 Seconded: Cr Forbes  
 CARRIED

| General subject of each matter to be considered                   | Reason for passing this resolution in relation to each matter  | Ground(s) under section 48(1) for the passing of this resolution |
|---|--|--|
| 1.1. Minutes of the 14 April 2021 public excluded Council Meeting | To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of |  |

|  |   |  |
|--|---|--|
|  | <p>the person who supplied or who is the subject of the information – Section 7(2)(b)(ii)</p> <p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i)</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>                               |  |
| <p><i>1.2 Minutes of the<br/>27 May 2021<br/>public excluded<br/>Council Meeting</i></p> | <p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p> <p>To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii)</p> <p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i)</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial</p> |  |

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|  | <p>activities – Section 7(2)(h)<br/>                     To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>  |   |
| <p><i>3.1. Approval to Proceed with Funding Agreements</i></p>   | <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>  | <p>Section 48(1)(a) - Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:<br/>                     (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist,</p> |
| <p><i>3.2. Facilitation of Landholder Access to Poisoned Rabbit Bait</i></p>                                 | <p>To maintain legal professional privilege – Section 7(2)(g)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p>  | <p>Section 48(1)(a) -Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:<br/>                     (a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>  |
| <p><i>4.0 Approve recommendations of the 12 May 2021 public-excluded Strategy and Planning Committee</i></p> | <p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely otherwise to damage the public interest – Section 7(2)(c)(ii)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage,</p> | <p>Section 48(1)(a) -Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:<br/>                     (a) that the public conduct of the whole or the relevant part of the proceedings of</p>  |

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|  | negotiations (including commercial and industrial negotiations) – Section 7(2)(i) | the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist. |
|--|---|---|

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

**11. CLOSURE**

There was no further business and Chairperson Noone declared the meeting closed at 5:12 pm.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

**ACTION REGISTER – OUTSTANDING RESOLUTIONS OF (PUBLIC) COUNCIL MEETINGS AT 25 AUGUST 2021**

| Meeting Date                  | Item   | Status      | Action Required   | Assignee/s  | Action Taken   | Due Date   | Completed (Overdue)           |
|-------------------------------|--|-------------|---|---|--|------------|-------------------------------|
| Council Meeting<br>2021.03.24 | GOV2113 Local Government New Zealand Annual Conference 2021 Attendance | Completed   | Provide a report to on the 2021 LGNZ Annual Conference to the Governance, Communications and Engagement Committee, August 2021.   | Chairperson   | <b>17/08/2021</b><br><br>A report on was provided to the 11 August 2021 Governance, Communications and Engagement Committee.   | 11/08/2021 | <b>Overdue by:<br/>6 days</b> |
| Council Meeting<br>2021.06.23 | PPT2112 Adoption of 2021-31 Regional Public Transport Plan             | Completed   | That the Chair meet at an early opportunity with the Mayor of DCC with their respective Chief Executives, to discuss passenger transport and a joint approach going forward.<br><b>Res CM21-125</b> | Chairperson   | <b>17/08/2021</b><br><br>Cr Noone, Cr Deaker, Cr Forbes, Mrs Gardner and Dr Palmer met with DCC representatives on 09/08/2021. Agreed actions were closer liaison between DCC and ORC staff, and a draft Liaison Group structure will be developed and considered.   | 25/08/2021 |                               |
| Council Meeting<br>2020.08.26 | GOV1937 Electoral System for 2022 and 2025 Local Body Elections        | In Progress | Work with Electoral Officer to include a poll asking for voter preference for STV/FPP alongside voting papers for the 2022 local elections.   | General Manager<br>Governance,<br>Culture and<br>Customer,<br>Governance<br>Support Officer | <b>1/09/2020</b><br><br>Contacted Electoral Officer Anthony Morton of Electionz for information. He will update our file, noting the request to conduct the poll with the 2022 election. He indicated additional cost of approx \$75,000, not including additional comms that will be necessary.<br><br><b>14/09/2020</b><br><br>Public Notice in ODT on 12/9/20 to meet legislative requirements and to advise ORC intends to conduct a poll on voting systems alongside the 2022 local body elections. | 01/01/2022 |                               |
| Council Meeting<br>2021.06.23 | GOV2125 Adoption of Long Term Plan 2021/31                             | Assigned    | That the Chair is to confirm Council's position regarding public transport in a letter to the Mayor of Dunedin City Council.<br><b>Res CM21-121</b>   | Chairperson   |  | 25/08/2021 |                               |
| Council Meeting               | GOV2125 Adoption of  | In Progress | <b>Refer this draft motion to be considered by the Implementation Committee:</b> Provide a quarterly  | Councillor  |  | 14/06/2021 | <b>Overdue by:</b>            |



Council Meeting Agenda - 25 August 2021 - ACTIONS (Status of Council Resolutions)

| Meeting Date               | Item  | Status      | Action Required   | Assignee/s   | Action Taken | Due Date   | Completed (Overdue) |
|----------------------------|---|-------------|---|--|--------------|------------|---------------------|
| 2021.06.23                 | Long Term Plan 2021/31  |             | report to the Implementation Committee starting with the 9 December 2021 agenda on progress made on gravel extraction consents. (will be a Notice of Motion).<br><b>Res CM21-122</b>  |  |              |            | 64 days             |
| Council Meeting 2021.06.23 | GOV2125 Adoption of Long Term Plan 2021/31                    | In Progress | <b>Refer this draft motion to be considered by the Implementation Committee:</b> Provide a quarterly report to the Implementation Committee on development of work programmes for river management to be included in future annual plan budgets (Will be a Notice of Motion).<br><b>Res CM21-122</b>                  | Councillor   |              | 14/06/2021 | Overdue by: 64 days |
| Council Meeting 2021.06.23 | GOV2125 Adoption of Long Term Plan 2021/31                    | In Progress | <b>Refer this draft motion to be considered by the Implementation Committee:</b> Provide the Implementation Committee with a report on timeframes and process to better develop asset management plans for plantings alongside river banks (Will be a Notice of Motion on 8/09 Imp Committee).<br><b>Res CM21-122</b> | Councillor   |              | 14/06/2021 | Overdue by: 64 days |
| Council Meeting 2021.06.23 | REG2108 Consent Fees Policy                                   | Assigned    | Staff review the Financial Support for Resource Consent Processing Fees policy at the end of the 2021/2022 year, and report back to Council on any recommended changes.<br><b>Res CM21-126</b>  | General Manager Regulatory and Communications                                    |              | 09/12/2021 |                     |
| Council Meeting 2021.06.23 | GOV2116 Zero Carbon 2030 Alliance Memorandum of Understanding | Assigned    | Staff will update Council on discussions and activities related to the Zero Carbon 2030 Alliance.<br><b>Res CM21-127</b>  | General Manager Governance, Culture and Customer, Senior Advisor - Mayoral Forum |              | 09/12/2021 |                     |

### 7.1. Manuherekia FMU Plan Provisions

|                      |   |
|----------------------|---|
| <b>Prepared for:</b> | Council   |
| <b>Report No.</b>    | SPS2146   |
| <b>Activity:</b>     | Governance Report   |
| <b>Author:</b>       | Anna Ferguson, Senior Policy Analyst                        |
| <b>Endorsed by:</b>  | Gwyneth Elsum, General Manager Strategy, Policy and Science |
| <b>Date:</b>         | 25 August 2021  |

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#### PURPOSE

- [1] To note the preferred irrigation season minimum flows for the Manuherekia rohe, part of the Clutha Mata-au Freshwater Management Unit, that will be included in the proposed Land and Water Regional Plan when it is notified in 2023.

#### EXECUTIVE SUMMARY

- [2] Developing minimum flows for the Manuherekia rohe has been underway since 2018. There are competing values (consumptive use versus in stream) regarding water flows due to low rainfall, especially in summer.
- [3] Minimum flows that achieve ecosystem health will impact significantly on all extractive uses of water, including the farming community, unless adaptations to current practices are made.
- [4] ORC is now in a position where there is a robust, fit for purpose and defensible rationale underpinning the proposed minimum flows for the Manuherekia rohe. Thus, staff are confident they can support the recommendations in a hearing or Environment Court situation.
- [5] The process to establish the proposed minimum flows has been lengthy, detailed and complex and involves:
- Work over 6 years; and
  - More than 15 staff from across the organisation - policy, consents, compliance, environmental monitoring, science, strategy and communications;
  - Has involved a range of community consultation across the Manuherekia catchment;
  - A contribution to the Manuherekia Falls Dam project of just over \$440,000 plus a contribution to the Ida Valley of just over \$50,000, and a total contribution to rural water supplies in excess of \$1 million;
  - Has cost in excess of \$4.4<sup>1</sup> million, including developing models, consultant input, staff time, venue hire, catering, site visits, and consultation and engagement; and
  - Has involved 26,587 staff hours to date.

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<sup>1</sup> This figure is for the Manuherekia, Arrow and Cardrona projects and has not been further broken down. Staff conservatively consider that 75% of the costs can be attributed solely to the Manuherekia project.

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- [6] The staff recommendation today:
- Considers a range of inputs, including cultural, economic, social, science and policy constraints;
  - Reflects the NPSFM and in particular Clause 1.6 which specifies how to proceed based on best information available;
  - Provides a level of certainty for the community ahead of notification of the Land and Water Plan (LWRP) in 2023 and enables work to support the community transition to commence now rather than waiting; and
  - Enables staff time and resources to be allocated to the remainder of the work programme designed to deliver the proposed LWRP by December 2023.

### RECOMMENDATION

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** the minimum flows and method for determining water take limits that will be included in the new Land and Water Plan for the Manuherekia River and its tributaries.
- 3) **Notes** where regional water flow provisions will be included in the full Land and Water Regional Plan.

### BACKGROUND

- [7] In November 2019, ORC made a commitment to the Minister of the Environment to implement a “take all necessary steps to develop a fit for purpose freshwater management planning regime”. This included a commitment to notify a new Land and Water Plan (LWRP) by December 2023.
- [8] Several years of consultation, technical work and options consideration have resulted in staff developing and recommending flow management provisions for the Manuherekia rohe. Refer to Attachment 1 for an overview of Council community consultation and decision making since 2016.
- [9] The technical basis for the limits were presented to Council at Strategy and Planning Committee workshops on 12 May 2021 (prior to the community consultation) and on 12 August 2021. The technical information was also available to the public as part of the community consultation from 18 May - 18 June 2021.
- [10] Minimum flows (the level at which any allowed takes are restricted or no longer allowed) are mandatory limits required by the National Policy Statement for Freshwater Management 2020 (NPSFM).
- [11] The NPSFM also requires that the hierarchy of obligations set out through Te Mana o te Wai be achieved. That is, the health of the river is the first priority, followed by the health needs of people, and the ability of people being able to provide for social, economic, and cultural well-being as the third priority.

- [12] A number of inputs – community perspectives; stakeholder perspectives; iwi perspectives; science and other technical work and policy constraints - have been used to develop the policy position recommended in this paper.



## DISCUSSION

### Consultation

- [13] The Manuherekia community undertook a values identification process in 2016, and in September and October 2019, the community was asked to confirm and validate the values for the Manuherekia River. These two processes and future outcomes formed the basis for the draft objectives developed by the Manuherekia Reference Group (MRG).
- [14] Following work by the MRG and a series of technical studies undertaken to inform a range of minimum flow scenarios, further consultation with the community was undertaken in May – June 2021. This consultation highlighted that the community held a wide range of views on a preferred flow - just over 40% of responses preferring a minimum flow of 1,200 l/s or less at Campground, and just under 40% preferring 3,000 l/s or more. Within the Manuherekia catchment (including Alexandra) the preference was 62% in favour of 1,200 l/s or less and just under 20% for 3,000 l/s or more. A cumulative tally showed 73% of responses from the Manuherekia catchment preferred 2,000 l/s or less (51% for total responses).
- [15] The responses to the consultation also captured issues and concerns raised by the community regarding water flows. The biggest concern was the impact a higher minimum flow would have on the Manuherekia community, both in terms of social well-being and economic consequences. Other key concerns raised included listening to the farmers and considering the consent application lodged by a number of irrigators, concerns that the current management of the river is good, and change is therefore not necessary, and concerns that higher flow scenarios are not realistic or feasible. Other views included whether dairying and water takes are sustainable, and a desire for balanced outcomes to be sought, as well as achieving public over private benefits of the river ecosystem.

### **Manuherekia Reference Group<sup>2</sup>**

- [16] The MRG was set up in 2019 by Otago Regional Council (ORC) to enable an informed stakeholder discussion on regulatory and non-regulatory solutions for freshwater management within the Manuherekia catchment and to provide a source of advice to ORC.
- [17] The MRG met for two years, however they were unable to reach a consensus for a minimum flow at Campground. However, some members identified clear preferences, including a consortium of Fish & Game, Forest & Bird, and Central Otago Environment Society suggesting a 10-year transition to 3,000 l/s. The Department of Conservation suggested a shift to between 1,800 and 2,300 l/s by 2037, and the irrigators indicated a shift to 1,100 l/s with specific management regimes on the tributaries and for Falls Dam.
- [18] All members agreed that whatever the final minimum flow set, a transition to that limit will require time and a staged approach. Members agreed that there will be a need for an adaptive management approach including identifying and progressing the development of alternative sources of water for consumptive purposes, possibly farm system change, and that public sector assistance at least initially will be required.
- [19] All members agreed that water quality should be progressively improved across the catchment and that 10 years should be sufficient time to achieve this.

### **Kāi Tahu<sup>3</sup>**

- [20] The Kāi Tahu recommendation for a flow regime in the Manuherekia is based on the central importance of freshwater in Kāi Tahu traditions and ongoing cultural identity. Key values include the mauri (life force) of the water, wāhi tūpuna (interconnected ancestral places and landscapes), mahika kai, and taoka species.
- [21] A Cultural Flow Preference Study (Tipa, 2021) was undertaken in the Manuherekia catchment to determine the river flows that mana whenua believe would be sufficient to protect cultural interests and restore cultural use. Due to a shortfall in the number of days over which the data was collected, further work will be carried out before the Land and Water Regional Plan is notified. In the interim, the analysis in the report has helped inform the recommendation by rūnaka.
- [22] The Kāi Tahu recommendation for the minimum flow at Campground is 2,500 l/s to 3,100 l/s in summer and 4,300 l/s in winter, with one or more freshes in summer of at least 4,300 l/s for at least 48 hours required to support ecosystem health. Minimum flows not less than 90% 7-day MALF for tributaries are also recommended, with flows from tributaries being proportionate to the naturalised flow pattern.

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<sup>2</sup> Neill, A and Newman, A (2021) Report to Otago Regional Council on the Manuherekia Reference Group Observations and advice from the Independent Chair and Independent Advisor

<sup>3</sup> McIntyre, S obo Te Rūnanga o Ōtakou and Kāti Huirapa Rūnaka ki Puketeraki (2021) Manuherekia Rohe Freshwater Management Regime: Kāi Tahu Ki Otago Recommendations

- [23] Kāi Tahu consider that the water quality should be consistent with the 'A' band set out in the NPSFM within 10 years, and an immediate requirement to comply with NPSFM bottom lines where they apply.

**Technical work and science**

- [24] There have been extensive and detailed studies undertaken to inform the flow regime and water quality attribute targets for the Manuherekia catchment. These studies include a hydrological model which provided the foundation for assessing implications for flow changes.
- [25] The studies cover the following topics:
- Habitat and ecology - Allibone, R. (2021) *Manuherekia minimum flow scenarios assessment*, Water Ways Consulting.
  - Natural character - Boffa Miskell Limited (2021) *Manuherekia River and Tributaries – Natural Character, Riverscape and Historic Values Assessment prepared for Otago Regional Council*, Boffa Miskell Limited
  - Recreation - Greenway, R. (2020) *Manuherekia River and Dunstan Creek Recreation Values Assessment*, Rob Greenway and Associates
  - Hydrology - Lloyd, I. (2021) *Manuherekia Hydrology Model – Scenario Results – Final Draft Memorandum*, Davis Ogilvie
  - Farm economics - Glennie, S and Harburg, S (2021) *Manuherekia Enterprise Model Methodology*, AbacusBio
  - Catchment economics – Wynne-Lewis, T (2021) *Manuherikia Catchment Economics – Discussion document*, Lewis Tucker & Co.
  - Regional economics - McDonald, N & Yang, A (2021) *Economy-wide Impacts of Proposed Policy Options for the Manuherekia Catchment*, m.e Research.
  - Cultural values - Tipa, G. (2021) *Cultural Preferences for Flows in the Manuherekia Catchment*, a report prepared for Kāi Tahu ki Otago and Aukaha Ltd.
  - Climate change - Zammit, C. (2020) *Potential climate change impacts on streamflow in the Manuherekia catchment*, NIWA.
  - Water quality - Otago Regional Councils (2021) *State and Trends of River and Lake Water Quality in the Otago Region 2000 – 2020*, ORC.

**Recommendation**

- [26] Following consideration of all the above and ensuring alignment with the hierarchy of obligations in Te Mana o te Wai, staff recommend the minimum flows for the mainstem outlined in Table 1 below.

[27] Table 1: Recommended flow regime for the Manuherekia mainstem

| Campground                                 | 2023   | 2030  | 2037  | 2044*     |
|--|--|-------|-------|-----------|
| Minimum flow (l/s)<br>1 October – 30 April | 1,200  | 1,500 | 2,000 | 2,500 +/- |
|  |  |       |       |           |
|  |  |       |       |           |
| Residual flow Falls Dam                    | 720  | 750   | 1,000 | 1,000     |
| Supplementary minimum flow                 | To be determined in line with regional provisions for supplementary water use. |       |       |           |

\*This stage is dependent on the outcomes of an invertebrate drift study to be done when conditions permit.

[28] The recommendation includes stages to transition to the final flow regime to allow time for the farming industry to adapt and/or alternate water to be sourced. The minimum flow of 2,000 l/s at Campground by 2037 provides for, or contributes to, the values (those affected by water quantity) as outlined in Table 2.

[29] Table 2: Values at the recommended minimum flow of 2,000 l/s at Campground

|                          | Outcome   | Comment   |
|--------------------------|---|---|
| <b>Ecosystem health</b>  | Percent habitat as compared to habitat at 7-day MALF (4,040 l/s).<br><br>118 % tuna (>300mm)<br>104 % tuna (<300mm)<br>93 % delectidium<br>97 % pycnocentroides<br>55% aoteapsyche<br>42% diatoms   | As indicators of ecosystem health, it is important that the key species and their food sources are represented.<br><br>Tuna (long finned eel) are constrained by recruitment issues caused by Roxburgh Dam. Therefore, recruitment will also need to be enhanced to ensure sustainable populations. |
| <b>Natural character</b> | Within the recommended flow of 1,500 – 2,500 l/s  | Due to the shape of the river in the lower reaches the average depth only increases slightly after 2,000 l/s.   |
| <b>Kāi Tahu</b>          | >1,230 l/s provides for cultural use and whanau health and well-being<br>>2,300 l/s provides for wai Maori  | 2,000 l/s is less than the flow recommended by Kāi Tahu, however it does achieve several iwi values and move a long way towards the wai Maori value.  |
| <b>Irrigation</b>        | 2,000 l/s will have a significant impact on the viability of livestock enterprises.<br><br>At current land use: <ul style="list-style-type: none"> <li>• 5 – 10 million m<sup>3</sup> shortfall</li> <li>• ~84% spray irrigation reliability</li> </ul> | Interventions and means of adaptation will need to be supported or provided if we want to contribute to achieving this value.   |
| <b>Fishing</b>           | 95 – 163 % for 3 out of 4 trout habitat measures<br>63 % combined adult trout   | The river is recognised regionally significant trout fishery.   |
| <b>Swimming</b>          | The study recommended 2,000 – 4,000 l/s for recreation.   | Flows ideal for recreation vary depending on the activity and who is doing it. Recreation is more influenced by the quality of water and ensuring people do not get sick.   |

[30] Minimum flows for tributaries on the true right of the main stem are recommended in Table 3. These are also staged to allow time for adaptation as well as time to ensure management plans are in place to protect threatened galaxiid species which are found in the tributaries. It is recommended no change in minimum flow occur beyond the 2023

minimum flow rates before measures are in place to avoid any potential adverse impacts on galaxiids.

[31] Table 3: Minimum flows for tributaries

|                   |   | 2023 | 2030 | 2037 |
|-------------------|---|------|------|------|
| <b>Dunstan</b>    | Minimum flow l/s - 1 October – 30 April | 250  | 350  | 450  |
| <b>Lauder</b>     | Minimum flow l/s - 1 October – 30 April | 100  | 130  | 160  |
| <b>Thomsons</b>   | Minimum flow l/s - 1 October – 30 April | 70   | 105  | 140  |
| <b>Chatto</b>     | Minimum flow l/s - 1 October – 30 April | 100  | 125  | 150  |
| <b>Manor Burn</b> | Minimum flow l/s - year round           | 15   | 15   | tbc  |

[32] The values being met for the various minimum flows for these tributaries are outlined in Table 4 below.

[33] Table 4: Values at the recommended minimum flows for tributaries at year 2037

| Outcome                  |  |         |  |  |  |
|--------------------------|--|---------|--|--|--|
| Ecosystem health         | Indicator  | Dunstan | Lauder*  | Thomsons*  | Chatto   |
|                          | tuna (>300mm)  | 250 %   | 80 – 90%   | 80 – 90%   | 79%  |
|                          | tuna (<300mm)  | 114 %   | 80 – 90%   | 90 – 100%  | 80%  |
|                          | deleatidium  | 77%     | 90 – 100%  | 90 – 100%  | 68%  |
|                          | pycnocentroides  | 87 %    | 80 – 90%   | 90 – 100%  | 68%  |
|                          | aoteapsyche  | 24%     | 70 – 80%   | 80 – 90%   | 35%  |
|                          | diatoms  | 8%      | Not done   | Not done   | 28%  |
| <b>Natural character</b> | At current flows, natural character is moderate to low below takes. With takes in Thomsons Creek exacerbating the naturally occurring dry reach and Lauder Creek running dry due to abstractions in dry seasons.   |         |  |  |  |
| <b>Kāi Tahu</b>          | Contribution to mainstem should be proportionate to natural.<br>The minimum flows are proportionally within 5% of natural mean flow (as modelled).<br>Minimum flows not less than 90% 7-day MALF for tributaries was recommended, however this is a default value in the absence of habitat modelling. The minimum flows are based on habitat modelling. |         |  |  |  |
| <b>Irrigation</b>        | Irrigation reliability is ~74% for in the tributaries (as modelled on 2,000 l/s at Campground). This is down from ~82% currently. This reflects, in part, “shoulder season” irrigation from flood irrigation.  |         |  |  |  |
| <b>Fishing</b>           | Dunstan is a locally significant fishery,<br>> 90% for spawning<br>> 80% for 3 trout measures<br>>60% for combined adult trout   |         | Not a significant fishery.<br>> 60% for spawning | Not a significant fishery.<br>> 90% for spawning | Not a significant fishery.<br>> 90% for spawning |
| <b>Swimming</b>          | Recreation in the tributaries was not studied.   |         |  |  |  |

\* Habitat models for Lauder and Thomsons Creeks were sourced from Hickey & Olsen reports for these catchments. These models did not provide diatoms habitat and used a different habitat preferences curve for the macroinvertebrates than those used for the Dunstan and Chatto Creeks habitat models. This difference in habitat preferences curves may require model reruns for these streams once the appropriate habitat preferences curves are selected for all four sites. Therefore, the percent habitat available may vary from that presented here once appropriate habitat preference curves are used in all models.



- [34] **Water quality** target attributes are recommended to be in the 'A' band (as per NPSFM attribute tables) by 2050, which aligns with the proposed Regional Policy Statement 2021. It is acknowledged that Kāi Tahu recommended 'A' band within 10 years but advice from ORC water quality scientist was that this was not possible due to the lag time for change in response to resource use changes and existing ambient conditions.
- [35] The NPSFM also requires a 10-year interim target to be set. It is recommended that the following 'rules' be used for the 10-year attribute targets:
- Attributes currently in 'A' band are maintained
  - Attributes below the national bottom-line are improved to meet at least 'C' band
  - Attributes in 'B' or 'C' band are maintained where there is a known worsening trend and improved by at least one band where possible.
- [36] Studies are currently underway to determine E. coli, total phosphorus, total nitrogen, and suspended sediment load reductions predicted to be needed to achieve options (A, B, C bands) for freshwater objectives in all rivers in the Otago region. These are due in September. Further work will then be done to consider how these load reductions will be best achieved (mitigations on land).

## **OPTIONS**

- [37] No other options are recommended.

## **CONSIDERATIONS**

### **Strategic Framework and Policy Considerations**

- [38] The minimum flows align with several of the Strategic Directions, in particular *Healthy Water, Soil and Coast, Healthy and Diverse Ecosystems, Effective Response to Climate Change and Regional Leadership*.
- [39] The NPSFM requires regional councils to set limits for resources use (and develop action plans) to achieve water quality attribute targets and include these limits as rules in the LWRP. Rules for restrictions on allowed takes (minimum flows) and discharges to achieve environmental flows are also required to be set as rules in the LWRP.
- [40] The limits recommended here are consistent with the NPSFM 2020 framework and Te Mana o te Wai hierarchy of obligations. The limits will be included as rules in the Manuherekiroa rohe chapter of the LWRP when it is notified in 2023.
- [41] Clause 1.6 of the NPSFM requires the best information available to be used and, where practicable, use complete and scientifically robust data. Clause 1.6 further requires that a person who is required to use the best information available must not delay making decisions solely because of uncertainty about the quality or quantity of the information available. Significant work has been done to develop robust and defensible science which underpins this recommendation.

### **Financial Considerations**

- [42] Beyond the work currently being undertaken to re-do the drift study when conditions permit, no extra financial implications are expected.

- [43] While there are significant budgets available to support the LWRP, there is no budget allocated to support additional and ongoing work in the Manuherehia for the purposes of developing the LWRP.

#### **Significance and Engagement**

- [44] The consultation discussed in this report has been undertaken in accordance with the Significance and Engagement Policy of Council.

#### **Legislative and Risk Considerations**

- [45] The recommended provisions are consistent with the NPSFM 2020.
- [46] There are risks associated with identifying preferred limits some 18 months ahead of notification, including:
- The notification of the proposed RPS (Regional Policy Statement) might require changes to the management framework.
  - New technical information may arise prior to the notification of the new LWRP (e.g. climate change as per paragraph 46).
  - As outline previously, additional work on invertebrate drift and quality limits is still required to be undertaken to determine any minimum flows above 2,000l/s, and
  - Applications for consents can still be lodged, and potentially granted, ahead of these limits having 'legal effect.'
- [47] Staff consider the risks can be managed and prefer this approach as opposed to notifying a plan change now. The time and cost to prepare a plan change is significant and would divert resources away from the development of the LWRP.

#### **Climate Change Considerations**

- [48] Original findings were that over a 10-year timeframe potential flow changes due to climate change were expected to be within historic flow variability and it was not considered necessary to specifically consider climate change when developing flow regimes for the Manuherehia Catchment.
- [49] However, the recent Intergovernmental Panel on Climate Change Report highlighted significantly increased rates of change. The updated information and rates are expected to have an impact on the earlier predictions for the Manuherehia Catchment particularly when considering 20+ year timeframes. Climate change effects on flow (particularly low flows) are flagged as an issue that requires further work. This work is relevant for the whole of Otago and the hydrology group recommended that an updated climate change assessment be undertaken for the whole of Otago as part of the LWRP process.
- [50] Therefore, the recommended minimum flows and water take limits are conditional pending the outcome of any further assessment of climate change impacts for Otago.

#### **Communications Considerations**

- [51] A communication and engagement plan is being developed for communicating these provisions to the Manuherehia community.

**NEXT STEPS**

- [52] The provisions will be presented to the community.
- [53] Staff will continue work on water quality attributes and environmental flows for other freshwater management units in Otago.

**ATTACHMENTS**

1. Manuherekia Timeline (25 August 2021) [7.1.1 - 6 pages]

**Timeline for Manuherekia**

- **August 2016** Start consultation on *Plan Change 5C Minimum Flows & Allocation Limits*
- **May 2018** MAC to be a single plan change, including minimum flows for all three rivers
- **13 June 2018** Policy Committee  
Resolution  
a) *That 31 August is confirmed for notification subject to Minimum Flow figures and missing section 32 components being completed and brought to the communities.*  
  
*Moved: Cr Robertson*  
*Seconded: Cr Laws*  
**CARRIED**
- **18 June 2018** Community Sessions introducing Plan Change held in Cromwell & Dunedin
- **27 June 2018** Notice of Motion:  
  
*That the proposed Plan Change "Priority Catchment Minimum Flows" will be publicly notified when:*
  1. *All hydrology, water surety, economic, social, cultural and ecological studies/assessments have been completed, as necessary for completion of s.32*
  2. *That hydrology models for the relevant catchments have been completed, and were applicable information currently held by water users and operators considered (accepting that the completion of this work may identify the need for additional work to be undertaken)*
  3. *That the assessments undertaken are formally shared with Council for discussion; and*
  4. *That the assessments are made available to relevant stakeholders and the community*  
*Moved: Cr Laws*  
*Seconded: Cr Bell*  
**CARRIED**
- **July 2018** Omakau Science Sessions
- **August 2018** Council Meeting  
  
Decision to overturn earlier decision to notify by 31 August 2018.  
  
Notification now by May 2019.

• **26 September 2018** Council Meeting

Significant public forum on 26 September

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 Woodhead

Against: Cr Bell, Cr Hope, Cr Laws, Cr Lawton, Cr Neill, Cr Noone

Abstained: 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 after all the required scientific, hydrology, economic, social and environmental reports are collated."*

Moved: Cr Laws  
Seconded: Cr Bell  
CARRIED

A division was called:

Vote For: Cr Bell, Cr Hope, 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 after all the required scientific, hydrology, economic, social and environmental reports are collated."*

• **31 October 2018**

Council meeting

Resolution:

*That a forum be held in Alexandra, led by a qualified facilitator, with relevant parties to address information gaps in regard to tributaries, receive inform[sic] on problem areas, agree to a plan for deemed permits consenting process and to gain better understanding between all parties*

Moved: Cr Bell  
Seconded: Cr Noone  
CARRIED  
Division 6/5 **Motion is lost**

Resolution

*That Council:*

- a) *adopts the Progressive Implementation Programme attached as appendix 1*
- b) *agree that the Progressive Implementation Programme be publicly notified, as soon as possible, and no later than 31 December 2018.*

- d) *That Council agrees that our tangata whenua partners assist with development of FMU's*
- e) *that Council formally approves a review of the Regional Plan: Water pursuant to s 79 of the RMA, as part of this process.*

*Moved: Cr Deaker*

*Seconded: Cr Robertson*

CARRIED

- **30 January 2019**

Council meeting

Resolution amended by Cr Laws to:

*That the options presented to the Council workshop on 30 January 2019 be presented back to interested parties with the intent of providing their policy feedback, including the option of:*

- 1) *A full plan review and FMU process to be the single policy process to address water management in the Manuherekia, Arrow and Cardrona catchments, and;*
- 2) *Deemed permits to be consented under the existing Regional Plan Water Framework.*

The Committee concurred.

*Moved: Cr Laws*

*Seconded: Cr Neill*

CARRIED

- **20 March 2019**

Policy Committee

Resolution:

*That the Council:*

- 1) *Notes the feedback received from our iwi partners, consultants and stakeholders on the proposed new approach for progressing the development of water management plans for the Arrow, Cardrona and Manuherekia (Manuherekia) catchments.*
- 2) *Adopts the proposal to simultaneously develop a set of principles and framework for the overarching regional water plan consistent with the values and intent of the partnership with iwi.*
- 3) *Note that many but possibly not all of these principles will already be developed within existing ORC policies and plans i.e., the Regional Policy Statement*
- 4) *Agree the relationship agreement with Aukaha be further developed with a view to formalising it between ORC and Ngai tahu thereby enabling a systematic approach to be undertaken on the plan development process at a staff level.*
- 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 catchments in*

*accordance with the process outlined in policies CA1- CA4 of the NPSFM 2014(amended 2017)*

- 6) *Notify before 1 January 2021 the plan changes for partially managing water in the Arrow, Cardrona and Manuherekia catchments as for Stage 1 of the full Water plan review.*
- 7) *Establish a technical advisory group (TAG) and Community Reference Group (CRG), with formalised terms of reference, to provide ongoing technical and strategic advice and input to the ORC that supports the delivery of the plan change for managing water in the Manuherekia catchment and provide a progress report at the next Council meeting.*

*Moved: Cr Woodhead*

*Seconded: Cr Robertson*

- **March 2019** Council meeting  
Change to Plan Change Approach - ORC now notifying 2 plan changes prior to 2021. One Plan Change for Arrow & Cardrona, and a second plan change for Manuherekia; TAG and MRG formed
- **3 April 2019** Council meeting  
Council adopts FMU's and agrees proposed engagement approach for priority plan changes in the Arrow and Cardrona catchments, and the Manuherekia rohe.  
  
Engagement Approach  
*A new approach has been proposed for progressing the development of two plan changes (one for the Manuherekia (Manuherekia) and one for the Arrow and Cardrona) to set an inclusive planning framework for managing water in the Arrow, Cardrona and Manuherekia (Manuherekia) catchments. This new approach seeks to notify both plan changes prior to the expiry of deemed permits in October 2021. This timeframe does not allow for the "roll out" of the full Consultation and Engagement Model proposed to be undertaken in the other FMUs.*
- **September 2019** Values Conversations with community
- **27 November 2019** Council meeting  
ORC Receives and agrees to Minister's recommendations  
  
Adoption of Work Programme, including the removal of separate plan changes for the MAC catchments. Work to be completed on MAC by December 2020
- **11 December 2019** Confirmed MAC completed by December 2020, no separate plan change, as part of response to the Minister for the Environment
- **7 Jan 2020** Public forum Plan Change 7



- **22 Jan 2020** Manuherehia River Resource Assessment Report noted
- **22 Jan 2020** Plan Change 7
- **26 Feb 2020** Resolved to call in Plan Change 7
- **11 March 2020** Plan Change 7
- **22 April 2020** First report to Minister following s24A investigation
- **13 May 2020** Proposed governance structure for Land and Water Plan adopted
- **August 2020** NPSFM 2020 released establishing new policy requirements and elevating Te Mana o te Wai
- **28 Oct 2020** Second Report to Minister
- **12 Nov 2020** ORC Science Approach for Land and Water Plan adopted
- **10 February 2021** Paper to Council outlining engagement approach for community consultation with Manuherehia catchment, including Mana to Mana conversations about iwi engagement
- **25 February 2021** Councillor workshop on Manuherehia technical work
- **24 March 2021** Third Report to Minister approved
- **14 April 2021** Arrow and Cardrona Minimum Flows and Allocation Noted
- **27 & 28 May 2021** Community consultation water management options Manuherehia
- **23 June 2021** Science Programme for LWRP approved
- **19 July 2021** Last MRG meeting held
- **12 August 2021** Manuherehia Workshop on policy position
- **25 August 2021** Noting paper with staff recommendations on the policy position to be included in the LWRP

## 7.2. Manuherekia FMU – Non-regulatory Support Initiatives

|                      |   |
|----------------------|---|
| <b>Prepared for:</b> | Council   |
| <b>Report No.</b>    | SPS2145   |
| <b>Activity:</b>     | Governance Report   |
| <b>Author:</b>       | Gwyneth Elsum, General Manager Strategy, Policy and Science |
| <b>Endorsed by:</b>  | Sarah Gardner, Chief Executive                              |
| <b>Date:</b>         | 25 August 2021  |

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### PURPOSE

- [1] To seek direction from Council on potential initiatives in the Manuherekia Freshwater Management Unit that would complement the regulatory water management regime being proposed for the new Land and Water Plan.

### EXECUTIVE SUMMARY

- [2] ORC is its final stages of developing a regulatory water management regime for the Manuherekia Freshwater Management Unit (FMU) as part of the new Land and Water Plan (LWRP) to be notified in December 2023.
- [3] It is clear from the technical work undertaken – environmental, economic, social and cultural – that significant practice change will be required to achieve the proposed regulatory water management regime over the next 15 years.
- [4] Regulation is not the only tool to achieve practice change. There is significant opportunity to compliment a regulatory water management regime in the Manuherekia with additional initiatives that are not explicit legislative requirements of a regional council.
- [5] A range of regulatory and non-regulatory initiatives would best enable the Manuherekia FMU transition to a water management regime that supports Te Mana o te Wai and ORC could support this transition by leading additional non-regulatory initiatives that complement the regulatory regime proposed for the new LWRP.
- [6] Due to the timing of the proposed regulatory water management regime and timeframes that would be required to implement some of the potential complimentary initiatives discussed in this paper, it is proposed that engagement with community and planning for supporting initiatives commences in 2021 and any budgetary impacts are included in the 2022/23 Annual Plan and beyond.

### RECOMMENDATION

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** that staff will communicate to the Manuherekia community ORC's intention to support initiatives in the Manuherekia FMU that complement the regulatory water management regime being proposed for the new Land and Water Plan.

- 3) **Directs** staff to work with stakeholders and the community to develop work programmes specific to the Manuherekia FMU to enable:
  - i. Capacity building / education on water management
  - ii. Catchment groups
  - iii. Riparian works
- 4) **Notes** that there will be further workshops with councillors to clarify expectations on the potential role for ORC in supporting and/or delivering land use change; water transportation efficiency; and storage initiatives (on and off farm).
- 5) **Notes** that, once developed, these work programmes will be included as part of the 2022/23 Annual Plan.

## BACKGROUND

- [7] ORC is in its final stages of developing a regulatory water management regime for the Manuherekia FMU as part of the new LWRP to be notified in December 2023.
- [8] It is clear from the technical work undertaken – scientific, economic and social – that significant practice change will be required to achieve the proposed regulatory water management regime over the next 15 years.
- [9] A range of initiatives to compliment the Manuherekia transition to a water management regime that supports Te Mana o te Wai could be supported by ORC in addition to putting in place a regulatory regime through the new LWRP.
- [10] In September 2020, Central Government announced that the Manuherekia would be included in its At-Risk Catchments programme. This programme supports community-led projects to improve the health of the Manuherekia river. The At-Risk Catchment programme provides \$12 million over four years, including to the three exemplar catchments that have been announced: Kaipara Moana, Te Hoiere/Pelorus and the Manuherekia.
- [11] Two initial projects are being developed as part of the Manuherekia At-Risk Catchment programme. The first is a 15 kilometre riparian planting, fencing and wetland restoration project in Thomson’s Creek and an assessment of the fish passage and barriers for native galaxiids. The second project will improve the knowledge of the mahinga kai and biodiversity values in the catchment to support further restoration work that will use complementary innovative and traditional technologies.
- [12] ORC has recently announced a rebranding and significant increase in resources to partner with local communities and landowners, as well as directly delivering environmental improvement through ‘boots on the ground’. This includes providing technical advice, encouraging effective land use practices, and supporting community-led environmental restoration efforts. The Environmental Implementation team is now organised around local geography - rather than by subject – supporting a catchment/FMU based approach. This is expected to further the establishment of strong community relationships and allow staff and communities to continue to have an in-depth understanding of environmental issues in the Manuherekia.

- [13] At a recent workshop, Councillors were asked to indicate their preferences for the types of initiatives in the Manuherekia FMU that would complement the regulatory water management regime being proposed for the new LWRP.
- [14] The following potential roles that ORC could play were outlined:
- a. Monitor/Investigate/Regulate (note: this role covers ORC's statutory functions under the Resource Management Act);
  - b. Inform: Provide information to assist in understanding of a topic, issue or solution (largely one-way communication);
  - c. Engage / Educate: Work with the community (two-way discussions) to increase understanding of an issue and/or targeted solutions;
  - d. Support: Invest in a programme to support community in achieving a stated goal, objective or outcome (e.g. grants, incentive schemes, subsidy or loan scheme, partnership/leverage); and
  - e. Do/Deliver: directly undertake an activity to achieve a stated outcome
- [15] For the purposes of developing up a potential initiatives in the Manuherekia FMU that would complement the regulatory water management regime being proposed for the new LWRP, that ORC would continue to undertake its statutory functions under the Resource Management Act such a state of environment monitoring; consenting functions and compliance and enforcement.
- [16] A summary of the potential complementary initiatives in the Manuherekia FMU ('non-regulatory' interventions) is attached in Attachment 1.
- [17] A summary of the preferences councillors indicated in the recent workshop for each of the potential initiatives can be found in Attachment 2.

## **OPTIONS**

- [18] The following options should be considered by Council:
- a. Option 1: put in place a new water management regime through the new LWRP but do not take an active role in supporting the community in the Manuherekia FMU to transition to a new water management regime;
  - b. Option 2: put in place a new water management regime through the new LWRP and take an active role in supporting the community in the Manuherekia FMU to transition to a new water management regime only once the regulatory regime is in place (i.e. after 2025); or
  - c. Option 3: Option 2: put in place a new water management regime through the new LWRP and take an active role in supporting the community in the Manuherekia FMU to transition from next financial year (i.e. 2022/2023).
- [19] It should be noted that under Option 1 the Manuherekia would continue to be supported through regional-wide initiatives ORC currently undertakes. However, no new initiatives specific to the needs of the Manuherekia FMU would be developed in response to the proposed new regulatory water management regime.

## **DISCUSSION**

- [20] The water management regime for the Manuherekia FMU proposed to be included as part of the new LWRP will require significant changes to current water, and potentially land, management practices. Such a transition takes time and the water management

regime being proposed reflects with staged approach to a minimum flow at the Campground site of 2,000l/s in 2037.

- [21] Time will be required to adapt to new management practices and to deliver any complementary initiatives designed to support a transition. Examples of these include:
  - a. Management of endangered species (e.g. galaxiids) ahead of higher flows will take up to 5 years and will require a multi-agency approach.
  - b. Wetland and riparian works to support improvements in water quality.
  - c. Implementation of any infrastructure-based solutions (e.g. water transportation and storage) will take up to 15 years.
  - d. Potential options for changes to land management and/or use could be identified and would take significant time to implement.
  - e. Socio-economic adaptation of the local community.
- [22] Engagement with stakeholders and community in the development of solutions, if done well, also takes time. The development of a programme of initiatives that complement the proposed regulatory water management regime could build on the recent engagement and work done with the Manuherekia Reference Group, enabling continued dialogue.
- [23] It should be noted that the Manuherekia At Risk Catchment initiative is already underway and now is the best time to leverage the resources available through this programme.
- [24] Based on the above, it is recommended that the ORC pursues Option 3.

## **CONSIDERATIONS**

### **Strategic Framework and Policy Considerations**

- [25] ORC's Strategic Direction has as part of its vision for Otago the following statement: "*An environment that supports healthy people and ecosystems*". In addition, the Strategic Direction makes the commitment to:
  - a. Deliver integrated environmental management
  - b. Effectively engage communities
  - c. Collaborate to deliver
- [26] The following descriptions in the Strategic Direction of what ORC does also support the recommended Option 3:
  - a. We promote and enable initiatives that support environmentally sustainable communities.
  - b. We promote and enable:
    - i. Best practice land management, for soil conservation, water quality and the efficient use of water
    - ii. Initiatives for the enhancement of Otago's waterbodies and coast
  - c. We promote and enable good land management and environmental initiatives to protect and enhance Otago's biodiversity and ecosystems.
  - d. We engage with people and iwi partners to increase the collective understanding of Otago's catchments.
- [27] ORC is its final stages of developing a regulatory water management regime for the Manuherekia FMU as part of the new LWRP to be notified in December 2023.

### **Financial Considerations**

- [28] The development of work programmes will be delivered within existing 2021/22 budgets. Any additional resources required delivery of any non-regulatory work programmes resulting specific to the Manuherekia FMU will be included in the 2022/23 Annual Plan and beyond.
- [29] ORC endeavours to partner to delivery work where appropriate and this approach will be taken for the development of any non-regulatory work programmes resulting specific to the Manuherekia FMU. It should be noted that the current Ministry of Environment At-Risk Catchment programme is one such opportunity.

### **Significance and Engagement**

- [30] Any non-regulatory work programmes specific to the Manuherekia FMU that are developed and trigger the Significant and Engagement Policy will be included in the Annual Plan.

### **Legislative and Risk Considerations**

- [31] The ORC is currently developing water management regimes for the new LWRP for all FMUs across Otago. While the proposed regulatory water management regime for the Manuherekia FMU will require significant practice change and thus complementary initiatives to support the transition are desirable, Council needs to be cognisant of the expectations supporting additional non-regulatory initiatives specific to the Manuherekia FMU may set in other FMUs where new/updated regulatory regimes are still to be developed in the lead up to notification of a new LWRP in 2023.
- [32] As a local government authority, ORC has a responsibility under the Local Government Act *“to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future”*<sup>1</sup>.

### **Climate Change Considerations**

- [33] Climate change was considered as part of the scientific work undertaken in developing the proposed water management regime for the new LWRP. This and other technical work undertaken will be used to develop the non-regulatory work programmes specific to the Manuherekia FMU/catchment.

### **Communications Considerations**

- [34] A communications plan is being developed to communicate to the Manuherekia community (1) the proposed regulatory water management regime for the new LWRP; and (2) ORC’s intention to develop, in conjunction with stakeholders and the community, non-regulatory initiatives to complement the transition to a new water management regime. This will be communicated as a package.
- [35] On-going engagement and communications of the will be led by the ORC Environmental Implementation Team.

### **NEXT STEPS**

- [36] Develop a communications plan to be delivered in September/October 2021.

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<sup>1</sup> <https://legislation.govt.nz/act/public/2019/0017/latest/LMS30987.html>

- [37] Seek community and stakeholder collaboration to develop Manuherekia specific work programmes to commence from 2022/23.
- [38] Hold follow up workshops with Council to clarify councillor expectations on the potential role for ORC in supporting and/or delivering land use change; water transportation efficiency and storage initiatives (on and off farm).

**ATTACHMENTS**

1. Potential Non- Regulatory Actions for Manuherekia FMU v 0.3 [7.2.1 - 4 pages]
2. Manuherekia workshop - Potential roles for ORC summary [7.2.2 - 2 pages]

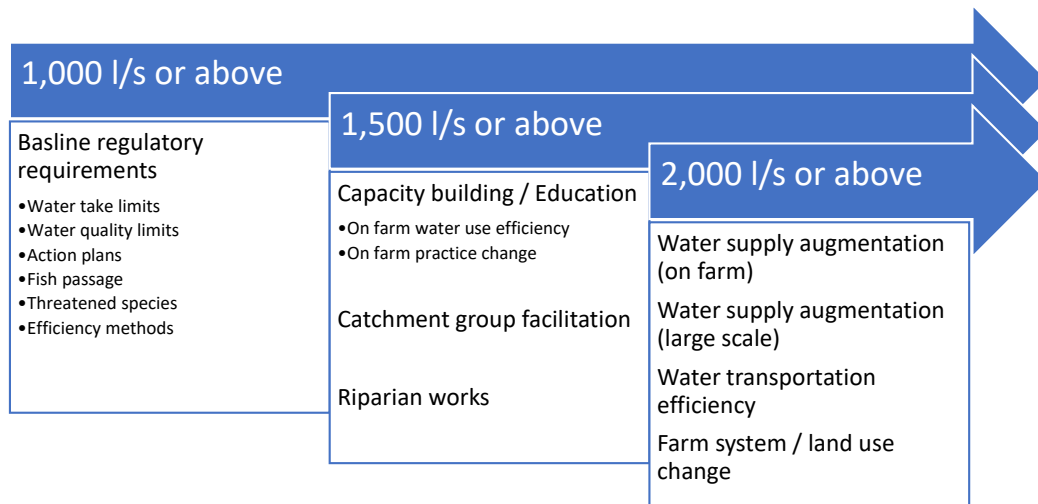
## Manuherekia water management regime

### Interventions triggered depending on minimum flow

The ORC is setting a minimum flow for the Manuherekia catchment. There is currently no regulatory minimum flow, but irrigators and race scheme operators voluntarily manage the flow to a minimum flow of 900 l/s at Campground.

Depending on the magnitude of change in minimum flow, there will a number of interventions the ORC may consider to help mitigate the impact of less water being available. The diagram below indicates when these interventions are likely to be triggered. The interventions are cumulative, that is, at 2,000 l/s all interventions from 1,000 l/s up would be put in place (if appropriate).

The interventions are outlined in more detail below.



### **Baseline requirements**

These are the regulatory interventions required under the NPSFM for the Land and Water Regional Plan (LWRP). These interventions will need to be undertaken regardless of the minimum flow decided upon.

- Water take limits and minimum flows (cl 3.17)
  - Water take limit is the total amount (by volume or rate or both) of water that may be taken, diverted or dammed in an FMU or part of an FMU.
  - Minimum flows are the flows and levels at which any allowed taking, diversion or damming will be restricted or prohibited, or when a discharge will be required.
  - These are the focus of the recent community consultation for the Manuherekia. The two mechanisms work together to achieve environmental outcomes.
- Water quality – limits on resource use to achieve target attributes (cl 3.14)
  - Attributes for the Manuherekia that require resource use limits are: periphyton, nitrogen, phosphorus, ammonia, nitrate, dissolved oxygen, suspended fine sediment, and *E. coli*.
  - Limits on resource use can be land use controls, input controls, and/or output controls.



- This work will be completed in early 2022.
- Water quality – action plans to achieve target attributes (cl.3.15)
  - Attributes for the Manuherekia that require action plans are: fish, macroinvertebrates, deposited fine sediment, dissolved oxygen, dissolved reactive phosphorus, ecosystem metabolism, and *E. coli* (primary contact sites).
  - Action plans for these attributes can be one plan or several and needs to include how the Council intends to achieve the target attribute state and the environmental outcome being achieved.
- Fish Passage (cl 3.26)
  - We must include a fish passage objective and polices to identify fish species for which passage is required, and fish species for which passage should be blocked.
  - An action plan to support the fish passage (or barrier) objective must be developed, this can form part of the above action plan.
  - For the Manuherekia this is a key policy in order to protect galaxiids from trout predation in the tributaries. The timing of implementing barriers to protect the galaxiids will dictate implementation of increased minimum flows in these tributaries.
- Threatened species (compulsory value)
  - Support populations of threatened species by providing critical habitats and conditions necessary to support the presence, abundance, survival, and recovery of threatened species.
- Efficiency methods (cl 3.28)
  - The LWRP must include criteria for deciding how to improve and maximise the efficient allocation of water (including economic, technical and dynamic efficiency).
  - We must also include methods to encourage the efficient use of water.
  - This thinking will help inform any work for practice change within the catchment.

#### **Non-regulatory interventions**

- Capacity building / education for water use efficiency / practice change
  - Onfarm water efficiency will be directed by the methods in the LWRP to encourage efficient use of water (see above) but implementing the practice change will require active catchment extension staff and resources (industry, catchment or Council led).
  - On farm efficiencies can be grouped into three broad areas; losses from on-farm storages, seepage and evaporation from distribution systems and change in in-field application systems (including being selective about soil type).
  - Farm water efficiency measures are already being implemented by many farmers (such as spray irrigation) and these models may be useful for promoting use in other farms.
  - Household water use efficiencies – supporting behaviour change for using less water domestically. Could be an issue with the increase in lifestyle blocks.
  - Practice change within existing land use may be another area where capacity building and assistance may be useful. This could include looking at different ways of managing the existing land use or diversifying to lower water consumptive use.
- Catchment Group Facilitation
  - Farmers, stakeholders and community groups working together to identify and implement solutions can be assisted by a coordinator or facilitator who can provide advice and access to incentive schemes.
  - Freshwater action plans (or similar) can provide a ‘road map’ for achieving long term goals in the catchment. This can be underpinned by more detailed integrated catchment planning, such as that being flagged by the MfE Exemplar Project.

- Riparian works
  - A healthy riparian environment can help filter run-off to improve water quality, stabilise eroding banks, provide shade and habitat for aquatic life, and create an aesthetic environment.
  - Indigenous vegetation is usually best suited to the environment, having adapted to the local climate and topography. Willows are introduced and although provide some of the benefits for a health riparian zone, they may be creating other costs such as higher water uptake than native species, excess leaf debris in stream, root mats blocking flow, etc.
  - Project to restore native, healthy riparian zones may help with flow in the river. Although studies should be undertaken to ascertain how much (e.g. if natives are less thirsty than willows).
- Augmentation of water supply (on-farm)
  - Increasing on farm storage will help reduce reliance on run of the river water for irrigation.
  - On farm storage can be filled during high flows and used during low flows. However, it is not cheap to construct, and land needs to be available.
  - Incentives for encouraging farm dams could include reduced fees or streamlined consents or assistance with feasibility assessments. Although these incentives would have to be investigated further as to feasibility with Council.
- Large scale augmentation of water supply
  - Large scale public storage schemes such as new dams or raising Falls Dam have been looked at in terms of feasibility. Structures such as these may require public-private partnership arrangements and may have other detrimental impacts on the ecosystem.
  - Other large-scale infrastructure options may include piping water from elsewhere within the Clutha Mata-au catchment (e.g. Dairy Creek / Dunstan Lake) or taking water from the Manorburn Reservoir.
  - Feasibility and benefit costs analysis will need to be started asap to enable these solutions to be in place if the minimum flow increases significantly.
- Water transportation efficiency (improves WQ too)
  - Most water for irrigation in Manuhereka is transported through a race scheme. These schemes are typically old, open and earthen meaning they can lose water through evaporation and seepage. There is approximately 600km of race network using water from the Manuhereka catchment.
  - Upgrading or piping these schemes would be expensive but a possible source of extra water needed.
- Change in farming systems/land use change
  - Large scale change in farm type or land use (over entire farms or parts of farms) to a lower water use would provide more water for the river. This could include changing to dry farming systems or changing pasture or stock types.
  - Horticulture (stone fruit and pips) has been mentioned as a viable land use which uses less water for economic return. However, the reliability of water supply needs to be much higher than irrigation for livestock, and there are key points in the growing cycle where water demand will be high.

- There may be other land use change away from agriculture that occurs over time. However, without a feasibility study it is not possible to predict what that change could be.
- This scale of change could take years to occur and would likely need some incentive or economic argument to encourage change (as opposed to forcing land use change through regulation or making current land use uneconomical)

## Attachment 2: Potential roles for ORC

**Inform**

- Provide information to assist in understanding of a topic, issue or solution (largely one way)

**Engage / Educate**

- Work with the community to increase understanding of an issue or solution
- Two way discussion and targeted solutions

**Support**

- Invest in a programme to support community in achieving a stated goal, objective or outcome
- Capacity building, grants, incentive schemes, subsidy or loan scheme, partnership/leverage

**Do/Deliver**

- Directly undertake an activity to achieve a stated outcome

### Capacity building/education in relation to water

| Role             | What roles <b>should ORC play?</b> | What roles <b>should ORC NOT play?</b> |
|------------------|------------------------------------|--|
| Inform           | ✓✓✓✓✓✓✓✓✓✓✓✓✓✓                     |  |
| Engage / Educate | ✓✓✓✓✓✓✓✓✓✓✓✓✓✓                     |  |
| Support          | ✓✓✓✓✓✓✓✓✓✓✓✓✓✓                     | ✓                                      |
| Do/Deliver       | ✓✓✓✓✓✓✓                            | ✓✓✓✓✓                                  |

### Catchment group facilitation

| Role             | What roles <b>should ORC play?</b> | What roles <b>should ORC NOT play?</b> |
|------------------|------------------------------------|--|
| Inform           | ✓✓✓✓✓✓✓✓✓✓✓✓✓✓                     | ✓                                      |
| Engage / Educate | ✓✓✓✓✓✓✓✓✓✓✓✓✓✓                     |  |
| Support          | ✓✓✓✓✓✓✓✓✓✓✓✓✓✓                     |  |
| Do/Deliver       | ✓✓✓✓✓✓✓✓✓✓                         | ✓✓                                     |

### Riparian works

| Role             | What roles <b>should ORC play?</b> | What roles <b>should ORC NOT play?</b> |
|------------------|------------------------------------|--|
| Inform           | ✓✓✓✓✓✓✓✓✓✓✓✓✓✓                     |  |
| Engage / Educate | ✓✓✓✓✓✓✓✓✓✓✓✓✓✓                     |  |
| Support          | ✓✓✓✓✓✓✓✓✓✓✓✓✓✓                     |  |
| Do/Deliver       | ✓✓✓✓✓✓✓✓✓✓✓✓                       | ✓                                      |

**Water transportation efficiency**

| Role             | What roles should ORC play? | What roles should ORC NOT play? |
|------------------|-----------------------------|---------------------------------|
| Inform           | ✓✓✓✓✓✓✓✓✓✓                  | ✓✓                              |
| Engage / Educate | ✓✓✓✓✓✓✓✓✓✓                  | ✓                               |
| Support          | ✓✓✓✓✓✓✓                     | ✓✓✓                             |
| Do/Deliver       | ✓✓✓✓✓                       | ✓✓✓✓✓                           |

**Facilitating land use change**

| Role             | What roles should ORC play? | What roles should ORC NOT play? |
|------------------|-----------------------------|---------------------------------|
| Inform           | ✓✓✓✓✓✓✓✓✓✓                  | ✓✓                              |
| Engage / Educate | ✓✓✓✓✓✓✓✓                    | ✓✓                              |
| Support          | ✓✓✓✓✓✓✓                     | ✓✓✓                             |
| Do/Deliver       | ✓✓✓                         | ✓✓✓✓✓✓✓✓                        |

**Water storage – on farm**

| Role             | What roles should ORC play? | What roles should ORC NOT play? |
|------------------|-----------------------------|---------------------------------|
| Inform           | ✓✓✓✓✓✓✓✓✓✓✓✓                |                                 |
| Engage / Educate | ✓✓✓✓✓✓✓✓✓✓✓✓                | ✓                               |
| Support          | ✓✓✓✓✓✓✓✓                    | ✓✓✓                             |
| Do/Deliver       | ✓✓✓✓                        | ✓✓✓✓✓✓✓✓✓✓                      |

**Water storage – off farm**

| Role             | What roles should ORC play? | What roles should ORC NOT play? |
|------------------|-----------------------------|---------------------------------|
| Inform           | ✓✓✓✓✓✓✓✓✓✓                  | ✓✓                              |
| Engage / Educate | ✓✓✓✓✓✓✓✓✓✓                  | ✓✓                              |
| Support          | ✓✓✓✓✓✓✓✓                    | ✓✓✓                             |
| Do/Deliver       | ✓✓✓✓✓                       | ✓✓✓✓✓✓✓✓                        |

### 7.3. Update on the Interpretation of the RPS as a Freshwater Instrument

|                      |   |
|----------------------|---|
| <b>Prepared for:</b> | Council   |
| <b>Report No.</b>    | SPS2142   |
| <b>Activity:</b>     | Governance Report   |
| <b>Author:</b>       | Anita Dawe, Manager, Policy and Planning                    |
| <b>Endorsed by:</b>  | Gwyneth Elsum, General Manager Strategy, Policy and Science |
| <b>Date:</b>         | 25 August 2021  |

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#### PURPOSE

- [1] To inform Council of ORC's role in the High Court declaratory proceedings on whether the proposed Regional Policy Statement 2021 (pRPS21) is a freshwater planning instrument in its entirety.

#### EXECUTIVE SUMMARY

- [2] As part of the decision to notify the pRPS21 on 16 June this year, ORC decided that the pRPS21 is a freshwater instrument in its entirety. As a freshwater instrument, it would be heard by the newly formed Freshwater Commission.
- [3] In July 2021, Forest and Bird (F&B) and the Environmental Defence Society (EDS) wrote to ORC, questioning the decision of Council that the pRPS21 was a freshwater instrument in its entirety.
- [4] Both parties advised they would be seeking a High Court declaration to determine whether the pRPS21 is a freshwater instrument, and invited ORC to join proceedings. The proceedings will provide certainty for parties.

#### RECOMMENDATION

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** that ORC has joined the declaration proceedings with respect to whether the proposed Regional Policy Statement 2021 is a freshwater instrument in its entirety.

#### BACKGROUND

- [5] The Resource Management Amendment Act 2020 introduced a new process for managing regional council planning processes that give effect to relevant Freshwater National Instruments, or otherwise relate to freshwater.<sup>1</sup> This process is called the Freshwater Planning Process, and describes how to manage a freshwater instrument, including notification, hearing, and appeals.
- [6] As part of the notification process for a regional council plan or Regional Policy Statement, a council must prepare the planning instrument in accordance with the

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<sup>1</sup> Section 80A of the Resource Management Act 1991, inserted by the RMAA 2020.

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requirements of the freshwater planning process unless it is satisfied that only part of the instrument is a freshwater instrument.<sup>2</sup>

- [7] Council was not satisfied that only part of the pRPS21 relates to freshwater, and therefore determined the entire document was a freshwater instrument and notified it accordingly.

## DISCUSSION

- [8] As part of the request to notify the pRPS21 in June 2021, staff outlined that determining the pRPS21 as a freshwater instrument in its entirety had some inherent risks, given that ORC is the first council to utilise the process.
- [9] The declaration proceedings will provide clarity and seek to address the question of how to interpret what a freshwater instrument is (as set out in sections 80A(2)(a) and (2)(b)) in relation to the pRPS21. For completeness, the relevant sections state:

*A freshwater planning instrument means—*

*(a) a proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management:*

*(b) a proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a));*

*(c) a change or variation to a proposed regional plan or regional policy statement if the change or variation—*

*(i) is for the purpose described in paragraph (a); or*

*(ii) otherwise relates to freshwater.*

- [10] The declaration will be lodged in the coming weeks with the High Court, and an urgent consideration will be requested, given the pRPS21 has already been notified.
- [11] In terms of timeframes, if the High Court considers the matter urgent and finds in ORC's favour, there will be no implications for the current timeframes, as the process will continue as notified. If the Court finds in favour of F&B and EDS, then staff will consider the implications for timing and process. If F&B and EDS are successful it would be highly unlikely that the commitment made by the ORC to the Minister for the Environment to "*complete review of the current RPS that is publicly notified, with the intention that it is made operative before the review of its LWRP is notified*" will be met.
- [12] If ORC was unsuccessful and the proposed RPS required renotification then any benefit from the proposed RPS having legal effect (as a proposed plan) disappears, until it is renotified. This includes the freshwater visions and the Otago definition of Te Mana o te Wai for Otago.

## OPTIONS

- [13] ORC could elect not to be involved in the High Court declaration. While this might save some financial resources, it would mean ORC would be in a position of defending its decision rather than proactively presenting its position.

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<sup>2</sup> Section 80A(3) RMA 1991

- [14] Being involved in the High Court declaration has financial and resourcing implications. Staff will be required to prepare affidavits in support of the application and liaise with legal counsel in the proceedings. The benefit of joining proceedings is that ORC can actively pursue its position, including why the pRPS21 is a freshwater instrument in its entirety.

## **CONSIDERATIONS**

### **Strategic Framework and Policy Considerations**

- [15] While the pRPS21 is consistent with all the strategic directions, it is most appropriately aligned with *Regional Leadership*. The pRPS21 seeks to manage the significant resource management issues for the region, working alongside iwi and our community.

### **Financial Considerations**

- [16] There will be financial implications of joining the High Court declaration proceedings, including staff time, filing fees and legal counsel. These costs are unbudgeted and unplanned.
- [17] If the High Court finds in favour of F&B and EDS, there will be financial implications with having to reassess the process, including potentially renotifying the RPS for two separate processes.

### **Significance and Engagement**

- [18] The pRPS21 contains policy direction for managing the significant resource management issues for Otago, including the significant resource management issues for iwi. The implications of the High Court declaration could be significant for large parts of the Otago community, including the Territorial Authorities, stakeholders, the general community, and our iwi partners.

### **Legislative and Risk Considerations**

- [19] Legislative considerations are the key aspect of this proceeding. Given the pRPS is the first RPS nationally to be considered a freshwater instrument, the application of the new provisions in the Resource Management Act 1991 will be tested. There may be wider application of the outcome of the proceedings for other regional councils notifying their RPS.
- [20] The implications of seeking the declaration have been set out earlier and the risks are associated with a finding not in ORC's favour in terms of time, cost, process, and community perception.
- [21] There is also a risk to the intent of our pRPS21, which has been prepared to be a single, integrated document that gives effect to the purpose of the RMA and is intended to be read as a whole document would not be achieved if the declaration is not found in favour of ORC.

### **Climate Change Considerations**

- [22] There are no direct climate change considerations resulting from this paper.

### **Communications Considerations**

- [23] ORC's involvement in the High Court proceedings and the process and implications will need to be clearly communicated. In addition, staff are aware that iwi, the Ministry for



the Environment and other regional councils around New Zealand are likely to be highly interested in this case, as might other stakeholders.

**NEXT STEPS**

[24] Staff will continue to update Councillors as the proceedings are lodged, and timetabled.

**ATTACHMENTS**

Nil

#### 7.4. ORC Appointment to Cosy Homes Trust

**Prepared for:** Council  
**Report No.** GOV2106  
**Activity:** Governance Report  
**Author:** Gwyneth Elsum, General Manager Strategy, Policy and Science  
**Endorsed by:** Cr Andrew Noone, Chairperson  
**Date:** 25 August 2021

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#### PURPOSE

- [1] For Council to appoint a member to the Cosy Home Trust Board.

#### EXECUTIVE SUMMARY

- [2] Under the Cosy Home Charitable Trust Deed, one Trustee of the Trust must be appointed by the Otago Regional Council. This role has previously been held by staff, most recently Julie Everett-Hincks, Manager Science. Due to the resignation of Ms Everett-Hincks as a Trustee, Council needs to appoint an alternative member.
- [3] Following discussions with the Chair, it is recommended that a Councillor is appointed to the Board of Trustees. This paper seeks support to nominate the Andrew Noone to this position.

#### RECOMMENDATION

*That the Council:*

- 1) **Receives** this report.
- 2) **Notes** the Otago Regional Council must appoint one member to the Cosy Home Trust Board of Trustees.
- 3) **Nominates** Chair Andrew Noone for this position.

#### BACKGROUND

- [4] The Cosy Homes Charitable Trust was established in 2015. The Trust's overarching vision is that "Everyone lives in a warm and healthy home" with a mission of making every home in Dunedin warm and cosy by 2025".
- [5] The Original Trustees entered onto a Deed which specified (1) the purposes of the Trust and (2) provided for its control and government.
- [6] The Original Trustees included a representative from the Dunedin City Council and the Otago Regional Council.
- [7] The charitable purposes of Trust are:

- a. To develop and implement programmes to promote healthy and warm homes for the general benefit of the community within the Otago region; and
  - b. To improve health outcomes by promoting warm and dry housing within the Otago region; and
  - c. To relieve poverty by promoting activities directed towards energy efficiency in the households of those on low incomes; and
  - d. To promote prudent practices in energy use, energy safety and energy conservation for the purposes of maximising the efficient use of energy; and
  - e. To promote the education of members of the public in the principles of energy conservation, energy efficiency, energy safety and the economic and health benefits flowing these principles; and
  - f. To conduct or provide funding to facilitate energy related research including the health and safety benefits, and to publish and promote the findings of any such research; and
  - g. To assist in implementing energy efficiency measures including providing sponsorship or other financial assistance in deserving cases; and
  - h. To develop and advocate strategies and services to the Otago Community, Local and Central Government for achieving the purposes specified in paragraphs a. to g. above; and
  - i. To do all such things as are incidental or conducive to the attainment of the above objects.
- [8] The Trust Deed sets out the process for appointment and removal of Trustees. The relevant clause provides:
- a. *“One (1) person to be appointed by the Otago Regional Council following consultation with the Trustees on written notice to the Board (“ORC Appointed Trustee”) following a Trustee (being ORC Appointed Trustee) ceasing to hold office in accordance with clause 9.5”.*
- [9] Under clause 9.5 of the Trust Deed, a Trustee may cease to hold office as a Trustee by resigning (giving written notice to the Chairperson).
- [10] Due to the resignation of Ms Everett-Hincks as a Trustee, Council needs to appoint a Trustee (which will be consulted with the Board of Trustees).

## **OPTIONS**

- [11] The Trust Deed requires a person appointed by the Council.

## **CONSIDERATIONS**

### **Policy Considerations**

- [12] Nil.

### **Financial Considerations**

- [13] Nil.

### **Significance and Engagement**

- [14] Nil.

**Legislative Considerations**

[15] Nil.

**Risk Considerations**

[16] Nil.

**NEXT STEPS**

[17] The next steps are to consult with the Cosy Home Trust as to the new ORC nominee for the Board.

**ATTACHMENTS**

Nil

## 7.5. ORC Submission on Freshwater Farm Regulations

|                      |   |
|----------------------|---|
| <b>Prepared for:</b> | Council   |
| <b>Report No.</b>    | SPS2144   |
| <b>Activity:</b>     | Governance Report   |
| <b>Author:</b>       | Warren Hanley, Senior Resource Planner - Liaison            |
| <b>Endorsed by:</b>  | Gwyneth Elsum, General Manager Strategy, Policy and Science |
| <b>Date:</b>         | 12 August 2021  |

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### PURPOSE

- [1] To request Council delegate authority to the Chair to approve a submission from ORC on the Ministry for the Environment's (MfE) '*Freshwater Farm Plan regulations*' discussion document ('the discussion document').

### EXECUTIVE SUMMARY

- [2] The MfE has released the discussion document consulting on the proposed *Freshwater Farm Plans* system. The consultation is open until 12 September 2021.
- [3] Staff have scheduled a workshop ahead of the submission closing date to take Councillors through the consultation document and determine the content of any ORC submission.

### RECOMMENDATION

*That the Council:*

- 1) **Notes** this report.
- 2) **Approves** the ORC Chairperson to approve on its behalf, an ORC submission that reflects the issues identified in the *Freshwater Farm Plans* Council workshop, on the '*Freshwater Farm Plans and Stock Exclusion regulations*' discussion document, so that the submission can be lodged no later than 12 September 2021.

### BACKGROUND

- [4] To address concerns over the state of New Zealand's freshwater, the Central Government developed the Essential Freshwater package to give the following directions:
- Stop further degradation of New Zealand's freshwater;
  - Start making immediate improvements so water quality improves within 5 years; and
  - Reverse past damage to bring New Zealand's waterways and ecosystems to a healthy state within a generation
- [5] The package includes providing for new:
- National policy statements
  - Environmental standards
  - Regulations to control stock exclusion and water take management
  - Freshwater planning processes
  - Freshwater Farm Plans and framework
-

- [6] The MfE has released the discussion document consulting on the proposed *Freshwater Farm Plans* system. This consultation primarily deals with a framework for Freshwater Farm Plans, including the content and outcomes, and how a plan can be certified, audited, and amen
- [7] The consultation is also asking for feedback on the stock exclusion low slope maps regulations.

#### **DISCUSSION**

- [8] The consultation is open until 12 September 2021. As with many consultations, the timeframe does not align with ORC's meeting schedule to enable a full submission to come to Council ahead of submissions closing.
- [9] To adapt to the timeframe constriction, staff have proposed a workshop on 26 August 2021 to take Councillors through the consultation document and identify the issues of relevance to ORC. If a submission from ORC is considered appropriate, staff will use the guidance provided by Councillors at the workshop to draft a submission written on the Council's behalf.
- [10] Staff propose the finalised submission would be approved to be signed off by the ORC Chairperson and then brought via a noting paper to a future Council meeting.

#### **OPTIONS**

- [11] An alternative to a governance approved submission would be for staff to lodge a staff submission on the consultation document. It would be informed by ORC staff who have been involved with current and proposed regulations, initiated by the Central Government's Essential Freshwater package.
- [12] However, staff consider that the significance and importance of the proposal to Otago communities is better suited to a governance approved submission.

#### **CONS**

- [13] The proposed regulations relate to land and water management. Farm Plans could become an important tool to deliver integrated environmental management – a ORC commitment in the strategic direction.
- [14] The proposed Freshwater Farm Plans will need to interact with Council's planning framework, the proposed Regional Policy Statement 2021 and the future Land and Water Regional Plan. There are further details required from Central Government to understand how our planning framework will interact with Farm Plans and this is an important opportunity for ORC to raise any relevant matters, while noting that our General Manager Regulatory and Communications has had considerable input into the work of the MfE.

#### **Financial Considerations**

- [15] Making a submission on this consultation is within existing budgets.

#### **Significance and Engagement**

- [16] This approach is consistent with the Council's Significance and Engagement policies.

#### **Legislative and Risk Considerations**

- [17] The proposal, and in particular Freshwater Farm Plans, are critical to the future of integrated freshwater management in New Zealand. Freshwater Farm Plans will be a new tool for Otago, and ORC needs to ensure it engages with MfE to ask any questions of the proposal as presented, and where it sees further details will be needed to understand and implement the regulations successfully in Otago.

**Climate Change Considerations**

- [18] This consultation is not a response to climate change, though it is recognised freshwater management will over time need to adapt to the impacts of climate change. Freshwater Farm Plans will play a part in this adaptation. The Farm Plan framework more generally is also provided for in Climate Change Legislation and a module addressing climate change is already required.

**Communications Considerations**

- [19] ORC communications staff will ensure any submission is available through the appropriate communication channels.

**NEXT STEPS**

- [20] Hold a workshop with Councillors on the 26 August 2021 to brief them on Freshwater Farm Plans and ascertain whether or not a submission is required.
- [21] Provide a copy of any ORC submission lodged to the Council for noting.

**ATTACHMENTS**

Nil

## 7.6. ORC Submission on the future of Forbury Park

**Prepared for:** Council  
**Report No.** GOV2138  
**Activity:** Governance Report  
**Author:** Warren Hanley, Senior Resource Planner - Liaison  
**Endorsed by:** Gavin Palmer, General Manager Operations  
**Date:** 25 August 2021

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### PURPOSE

- [1] To request approval to lodge the attached ORC submission with Harness Racing New Zealand (HRNZ) on the future of Forbury Park.

### EXECUTIVE SUMMARY

- [2] HRNZ are undertaking public consultation on the future of Forbury Park. The consultation is a requirement under the Racing Industry Act 2020 and will inform the negotiation between HRNZ and the Forbury Park Trotting Club (FPTC) as to Forbury Park's future.
- [3] If a decision cannot be reached between HRNZ and FTC, the Minister of Racing will be required to make a decision about how Forbury Park is to be used in the future.
- [4] The submission period closes 14 September 2021.

### RECOMMENDATION

*That the Council:*

- 1) **Notes** this report.
- 2) **Approves** the draft submission, subject to any changes as articulated in the Council meeting, to be lodged with HRNZ by 14 September 2021.

### BACKGROUND

- [5] South Dunedin has a complex natural hazardscape due, in part, to its history of being low lying and reclaimed land. Forbury Park is located within South Dunedin and is an area considered 'at risk' from sea-level rise due to climate change. During the June 2015 South Dunedin floods, Forbury Park experienced significant ponding which highlights the risks.





Figure 1: Ponding on Forbury Park following the 2015 South Dunedin flooding. Credit: HAMISH MCNEILLY/FAIRFAX NZ

[6] Recognising the natural hazard challenges facing South Dunedin, and consideration of options for its future, at its 27 May 2021 meeting Council resolved that:

- 1) *Notes the characteristics and natural hazards, based on current information, associated with the Forbury Park site.*
- 2) *Endorses the following positions on potential future redevelopment of the Forbury Park site:*
  - a. *Future developments require very careful consideration of natural hazards and to take account the likely changes to the physical environment (including the effects on groundwater for the long term (100 years and longer) of the site.*
  - b. *The Draft RPS 2021 where it seeks to ensure that levels of risk from natural hazards do not exceed a tolerable level, are identified and assessed to determine their likelihood and consequence before any consideration of a development proposal.*
  - c. *The application of a precautionary approach to identifying, assessing and managing risk using avoidance or adaptive management.*
  - d. *The examination of opportunities to use the site to mitigate flood hazard for the wider South Dunedin*

## **DISCUSSION**

- [7] Prior to the commencement of public consultation, HRNZ engaged with ORC to get an initial understanding of ORC's position on how the area may be used in the future.
- [8] ORC staff met with HRNZ's consultant and provided them a copy of the 27 May 2021 Council paper and subsequent minutes setting out Council's position on the future of Forbury Park. Staff also provided an overview of the natural hazards for South Dunedin/Harbourside.

## **OPTIONS**

- [9] Staff recommend ORC lodges a formal submission to reinforce the position it reached at the Council meeting on 27 May 2021.

## **CONSIDERATIONS**

### **Strategic Framework and Policy Considerations**

- [10] Making a submission will give effect to ORC's Strategic Directions, specifically that ORC takes a leadership role on issues of important to Otago's communities and their well-being.
- [11] Any decision on the future use of Forbury Park must be sensitive to the challenges from climate change. ORC's role is to influence and support good decision making to ensure Otago's communities are resilient to natural hazards and can adapt to climate change.
- [12] The partially operative Regional Policy Statement 2019 and the proposed Regional Policy Statement 2021 both provide a policy framework for identification and management of natural hazards, as well as responses to climate change. It is important that decision makers are aware of their responsibilities under these policy documents, which are referred to in the draft submission.

### **Financial Considerations**

- [13] Making a submission is within existing budgets.

### **Significance and Engagement**

- [14] The consideration and lodgement of any submission is consistent with ORC's significance and engagement policies.

### **Legislative and Risk Considerations**

- [15] Activities under the Racing Act 2020 are not within ORC's jurisdiction generally however the Resource Management Act 1991 requires that Councils manage the significant risks from natural hazards as a matter of national importance. The risk in not submitting is that knowledge that ORC has is not widely shared and does not robustly inform decision making.

### **Climate Change Considerations**

- [16] The wider South Dunedin area, in which Forbury Park is situated, is subject to known natural hazards. It is an area at risk of climate change impacts.
- [17] ORC is undertaking continual work with partner agencies to add to the knowledge of South Dunedin's natural hazardscape, as well as any change to its characteristics as a result of climate change.
- [18] It is important to formally share Council's position on Forbury Park with HRNZ. That position is informed by ORC's current knowledge of the natural hazard, and climate change challenges facing South Dunedin and decision makers.

### **Communications Considerations**

- [19] Council's position will be made available online as part of the submissions process.

**NEXT STEPS**

[20] Staff will update Council when the decision on Forbury Park's future is made by either HRNZ and FPTC, or if necessary, the Minister of Racing, and any implications for ORC.

**ATTACHMENTS**

1. Draft Forbury Park Submission [7.6.1 - 2 pages]
2. Forbury Park Paper - Council Meeting held 27 May 2021 [7.6.2 - 17 pages]

Harness Racing New Zealand  
PO Box 459  
Christchurch 8140

[ForburyConsultation@hrnz.co.nz](mailto:ForburyConsultation@hrnz.co.nz)

Dear Sir/Madam

**Otago Regional Council (ORC) submission on future use of Forbury Park**

ORC appreciates the opportunity to make a submission on the future use of Forbury Park.

At its 27 May 2021 Council meeting, ORC staff presented a paper to Council on Forbury Park. The paper outlined the physical environment that Forbury Park is located in, the changing nature of the environment in and around the area, and the natural hazards that affect the area. While previously provided to Harness Racing New Zealand, the Council paper is appended to this submission as it provides the context for ORC's position.

ORC's position on any decision for the future development of Forbury Park is that:

- a. *Future developments require very careful consideration of natural hazards and to take account the likely changes to the physical environment (including the effects on groundwater for the long term (100 years and longer) of the site.*
- b. *The Draft Regional Policy Statement 2021 where it seeks to ensure that levels of risk from natural hazards do not exceed a tolerable level, are identified and assessed to determine their likelihood and consequence before any consideration of a development proposal.*
- c. *The application of a precautionary approach to identifying, assessing and managing risk using avoidance or adaptive management.*
- d. *The examination of opportunities to use the site to mitigate flood hazard for the wider South Dunedin area when considering any proposal for redevelopment.*

Should Harness Racing New Zealand, and Forbury Park Trotting Club have any further questions on ORC's position, questions on technical data ORC holds, or the relevant policy framework of either the partially operative Regional Policy Statement 2019 or proposed Regional Policy Statement 2021, ORC would welcome further engagement.

Your sincerely

Andrew Noone  
Chair  
Otago Regional Council.

## 7.2. Forbury Park

**Prepared for:** Council  
**Report No.** HAZ2104  
**Activity:** Safety & Hazards: Natural Hazards  
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**Endorsed by:** Gavin Palmer, General Manager Operations  
**Date:** 27 May 2021

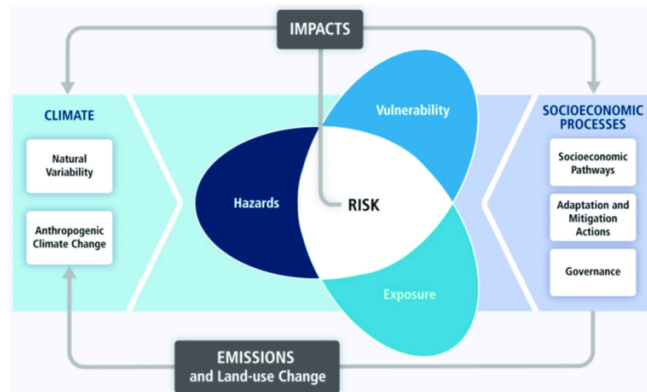
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### PURPOSE

- [1] Following discussions on Forbury Park, at the 24 March 2021 Council Meeting in Oamaru, this paper is where the Chair committed to a staff paper to inform Council's consideration of any development proposal. This paper is in response and outlines an approach to managing natural hazards risks throughout Otago, through agreed principles, and to understand how those principles might guide decision making on future land uses at green-field or brown-field sites, notably Forbury Park in South Dunedin.

### EXECUTIVE SUMMARY

- [2] There is increasing pressure across Otago to provide for housing demand in accordance with the National Policy Statement for Urban Development (NPSUD), whilst also managing risks under Section 6 (h) of the Resource Management Act 1991 ('the RMA') as a matter of national importance.
- [3] Increasingly, where those houses can be located is more problematic – the easier sites to develop have already been developed, and for a range of reasons, other sites are being considered or becoming available.
- [4] In order to properly consider natural hazards risks for green-fields or brown-fields sites, this report recommends some principles to enable a framework under which all land being considered for development could be assessed against.
- [5] Central to the application of these principles is the definition of risk. Risk depends not just on the susceptibility of an area to natural hazards, but on the exposure of a population (such as a change to housing density of an area), and on its vulnerability and ability to cope (Figure 1). These concepts are critical in understanding how to best use Otago's remaining green-field sites, whether for housing or for use to accommodate 'climate-resilient' infrastructure.



**Figure 1. The Intergovernmental Panel On Climate Change (IPCC) conceptual framework with risk at the centre<sup>1</sup>. Interaction between hazard, vulnerability and exposure. Risk of climate-related impacts results from the interaction of climate-related hazards with the vulnerability and exposure of human and natural systems. Changes in both the climate system (left) and socioeconomic processes including adaptation and mitigation (right) are drivers of hazards, exposure, and vulnerability.**

- [6] Climate change considerations for Dunedin add another dimension to risk management. When these inputs are considered together, the answer for how to improve the natural hazards and climate change risk profile of Dunedin, and especially greater South Dunedin, becomes not just a consideration of how to avoid natural hazards. It is essential to use remaining green-field or brown-field sites to create improved resilience of the wider community, better ability to cope with risks posed by seismic hazards, heavy rainfall and elevated sea level events, and therefore reduced risk for the city as a whole.
- [7] Across Otago, there are a range of sites subject to a variety of either single, or multiple hazards and on-going physical environment changes. For example, parts of South Dunedin, such as Forbury Park, are lower-lying than those reclaimed from the harbour as they were drained and developed from wetland areas.
- [8] This report uses Forbury Park (Figure 2) as an example of how a green-field or brown-field site has both the potential to increase risk if used in the same way as the surrounding residential land and decrease risk if the natural setting of the site or part of the site is utilised as an opportunity to improve the ability of the wider area to cope with natural hazards.

<sup>1</sup> Intergovernmental Panel On Climate Change, 2014, Impacts, Adaptation, and Vulnerability, Part A: Global and Sectoral Aspects, Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change

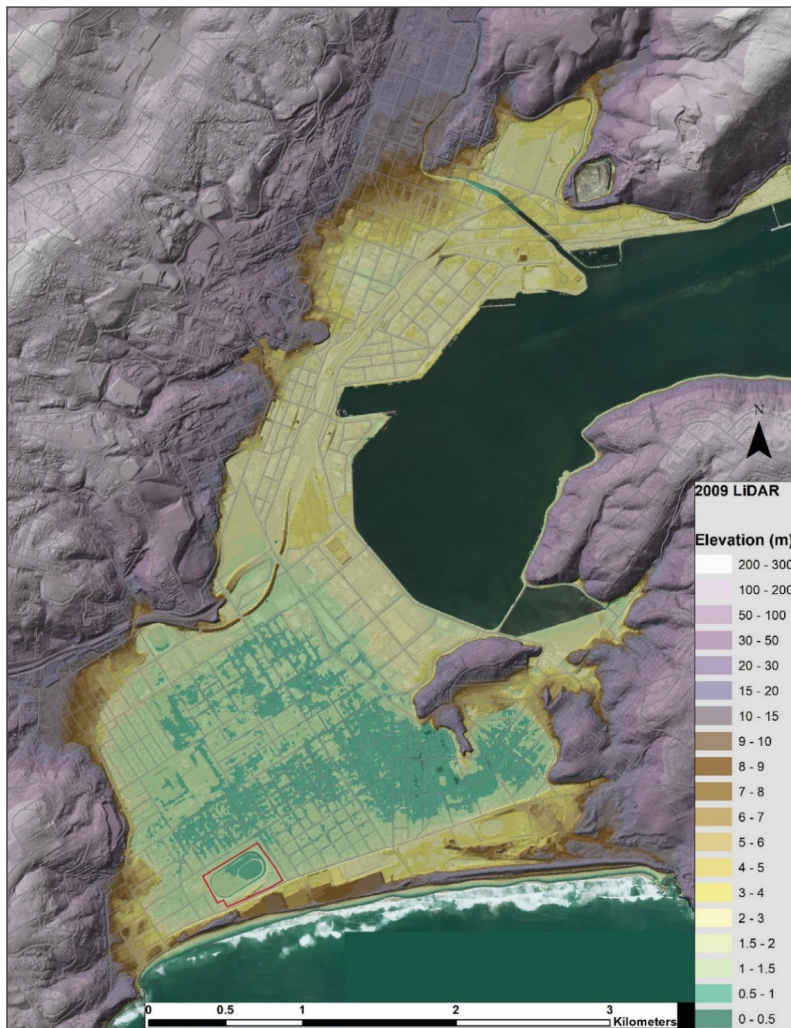


Figure 2. Elevation map of Harbourside and South Dunedin, with Forbury (former) Raceway highlighted in red. Elevation is metres above current mean sea level.

### RECOMMENDATION

That Council:

- 1) **Receives** this report.
- 2) **Adopts** the principles presented to inform adopting a position for green-field and brown-field developments in areas exposed to natural hazards and/or subject to extensive changes to the physical environment.
- 3) **Notes** the characteristics and natural hazards, based on current information, associated with the Forbury Park site.

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- 4) *Endorses the position on potential future redevelopment of the Forbury Park site proposed in this paper.*

#### **BACKGROUND**

- [9] There is increasing pressure across Otago to provide for housing demand in accordance with the National Policy Statement for Urban Development (NPSUD), whilst also managing risks under Section 6 (h) of the Resource Management Act 1991 ('the RMA') as a matter of national importance.
- [10] Increasingly, where those houses can be located is more problematic – the easier sites to develop have already been developed, and for a range of reasons, other sites are being considered or becoming available.
- [11] Some of those sites are exposed to natural hazards or may become exposed to increased natural hazards in the future (e.g. in 50 years or 100 years) due to changes to the physical environment.
- [12] Our understanding of natural hazards and how changes to the physical environment (including but not limited to changes due to a changing climate) are likely to exacerbate natural hazards is increasing in some areas.
- [13] Existing legislation and regulation<sup>2</sup> require appropriate considerations of natural hazards and associated mitigation measures when considering land-use changes.
- [14] The increasing pressure to provide for housing demand and various requirements to better consider natural hazards and associated risk, now and in the future, have highlighted a need to clearly articulate principles to enable a framework under which all land being considered for development could be assessed. This will ensure consistency and clear decision making.

#### **Settlement of the South Dunedin area and the Forbury Park site**

- [15] In the late 1800s, when European settlement of the Dunedin area was progressing at a rapid rate, the economic benefits of farming and building settlements on drained wetland outweighed the challenge posed by the natural setting.
- [16] Frequent floods, exposure to coastal hazards and challenges of creating drainage channels through dense wetland vegetation and peaty soils are widely reported in accounts by European settlers of the time. As early as 1877 major floods damaged the fledgling townships on the expansive, low-lying dune and wetland area colloquially referred to as 'The Flat', putting lives at risk<sup>3</sup>. Over the next few decades, the sea frequently made its way inland via the waterways which drained the hills into the upper harbour and Ocean Beach<sup>4</sup>.

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<sup>2</sup> Section 6(h) RMA, provisions in the partially operative 2019 Regional Policy Statement (RPS), and the draft RPS 2021, the New Zealand Coastal Policy Statement

<sup>3</sup> A Pakeha's Recollections: the reminiscences of Murray Gladstone Thomson. Eccles, A. 1944. Wellington, N.Z.

<sup>4</sup> The South Dunedin Flat: a study in urbanisation, 1849-1965. Steadman, 1966. Thesis presented for the degree of Master of arts in geography, University of Otago.



- [17] Forbury Park is situated at the foot of the St Clair hill suburbs and separated from the Pacific Ocean by a narrow band of remnant sand dunes. Much of the dune field was levelled in the late 1800s to fill natural tidal lagoons which lay behind the foredune, in the vicinity of Victoria Road. This was to allow European settlers to make better use of what was at that time, rare flat land for farming near Dunedin township.
- [18] By the 1870s the outer parts of 'The Flat' were settled and farmed while the central areas awaited further subdivision into smaller lots to make the necessary digging of deep drainage channels into the wetlands economically viable. Despite continued drainage investment, frequent floods were a part of life for those living in the developing townships in the area whenever there was a storm surge or heavy rainfall<sup>5</sup>.
- [19] There are widespread reports of buried logs being dug up as market gardens were developed, and beds of peat are part of the typical geology of the area as indicated by core samples. Some ground subsidence would have occurred with the drainage and burning of this material (e.g. accounts of peat fires in Eccles, 1944).
- [20] A waterway known as the 'Little Burn' drained the hill suburbs of Kew and St Clair (Figure 3), meandering across the flat to enter the sea opposite the intersection of Victoria Road and Queens Drive, where Moana Park is today. Diversion of this waterway down Forbury Road to the stormwater outlet at Second Beach occurred before the turn of the century, and other artificial drainage channels were deepened and eventually covered or piped as part of the construction of the Musselburgh pumping station (wastewater), which began in 1904.
- [21] The 'Big Burn' drained the Caversham and Glen catchments and made a series of pools and lagoons, rounding the spur of hillside (today's Wilkie Road) and entering the sea around the area of the Gasworks. Sand and other fill material has been added over time to many areas, which were previously part of the waterways or lagoons, to allow for construction above the water table. The North-West corner of Forbury Park has core logs indicating up to a 2.5 m thickness of beach sand fill, sitting on top of estuarine silt deposits<sup>6</sup>.
- [22] Since 2016 ORC has operated a continuous GPS recorder on Green Island, along with a tide gauge, to better establish relative sea level movement and compare tectonic subsidence with other geodetic survey points around the region. The most recent report on the 4.5 years of data to date, suggests that the subsidence rate seen at the site is consistent with regional vertical position trends along the Southeast coast of New Zealand, with Taieri Basin, Dunedin and Port Chalmers sites recording ~ 2 mm/yr subsidence<sup>78</sup>.

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<sup>5</sup> Otago Daily Times Issue 13 August 1898 Ocean Beach Domain Board report.

<sup>6</sup> New Zealand Geotechnical Database records for 146 Victoria Road.

<sup>7</sup> Denys P, Pearson C, Denham M. 2021. Green Island Continuous GNSS Receiver Site 54 month report. University of Otago School of Surveying (Commissioned by ORC)

<sup>8</sup> Denys, P. H., Beavan, R. J., Hannah, J., Pearson, C. F., Palmer, N., Denham, M., & Hreinsdottir, S. (2020). Sea level rise in New Zealand: The effect of vertical land motion on century-long tide gauge records in a tectonically active region. *Journal of Geophysical Research: Solid Earth*, 125(1), e2019JB018055.



**Figure 3. Overlay of natural features mapped by Steadman (1966) on modern aerial image of South Dunedin. The Burns were channelised and diverted to allow development of St Kilda and South Dunedin boroughs. Planting of marram grass and lupins was recommended and carried out by Ocean Beach Domain Board to help close the gap in the dunes through which storm surge would regularly flood the area. Note the extent of the Portsmouth Drive reclamation.**

- [23] Recently (February 2021), the Forbury Park Trotting Club has announced its intention to sell its park in South Dunedin (Forbury Park). Like a considerable proportion of South Dunedin, this approximately 12-hectare site is zoned residential (General Residential 2) in the Second-Generation District Plan, under current planning rules (see Figure 4). The site could be used for medium density residential development (i.e. sites can be developed up to one habitable room per 60 m<sup>2</sup> of site area in South Dunedin) in an already well-established urban area.
- [24] As detailed in Appendix A and other ORC reports<sup>9</sup>, the area in vicinity of the Forbury Park is flat, low-lying and exposed to natural hazards. Most hazards are likely to be exacerbated by projected sea level rise due to climate change, and tectonic land subsidence, e.g. the high water table exacerbating the flooding and liquefaction hazard (Appendix A).

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<sup>9</sup> The Natural Hazards of South Dunedin, ORC, 2016.  
 Update on the Geology and Ground Conditions of South Dunedin and Harbourside, ORC, Data and Information Committee, October 2020.  
 South Dunedin Technical Work Programme update, ORC, Technical Committee, October 2018

- [25] Given its location (at the foot of the St Clair hill suburbs, less than 200 meters from the coast) and physical characteristics (flat and low-lying), a redevelopment of Forbury Park would offer the opportunity to envisage the possibility of using the site or part of the site to mitigate the flood hazard for the wider South Dunedin area, increasing its ability to cope with natural hazards.



Figure 4. Dunedin City Council 2GP District Plan planning map.

- [26] The redevelopment of the Forbury Park site presents challenges from a natural hazards risk and long-term environment changes perspectives, but also opportunities to investigate improvements to flood mitigation measures for South Dunedin.
- [27] As highlighted by work currently underway by the Ministry for the Environment (MfE), Land Information New Zealand (LINZ), Dunedin City Council (DCC) and ORC, there are currently gaps in the data and information needed for climate change adaptation decisions in South Dunedin generally.
- [28] Depending on its nature and scale, the redevelopment of Forbury Park may affect or change the movement of water (for example diversion/redirection of groundwater and surface runoff and ponding) in the surrounding area. This may result, if not carefully assessed and addressed, in adverse effects on the flood hazard in the area.
- [29] For ORC, as part of its role as consent authority, would be involved in the consenting process to ensure that the effects of the redevelopment are appropriately assessed and considered. This might include (but is not limited to) any change in flood hazard of adjacent properties due to diversion of surface water, or ways in which development could impact groundwater flows beneath and around the site, during and post construction.
- [30] The Forbury Park site is topical, but it is not the only site with similar challenges in the region. Other areas, such as the Head of Lake Wakatipu, where potential green-field developments are envisaged or underway, are exposed to natural hazards and physical environment changes.

## DISCUSSION

### An Approach to Managing Natural Hazards

- [31] The Court of Appeal [CA422/15, 2017] in *Man O'War Station Limited v Auckland Council*, considered how to identify and manage Outstanding Natural Landscapes (ONL), as a Matter of National Importance under section 6(b) of the Act. The Court found that, as a principle, land should first be identified based on the values it has, then it should be assessed on a regional basis to determine if it is outstanding. Only once the factual assessment has been undertaken should a [sic] Council then consider the planning implications of the classification as an ONL.
- [32] This high-level principle of first identifying land based on the values it has, then determining the significance of the values, and then understanding the planning or other consequences is a methodology that can be applied to understanding hazards, determining risk and then understanding consequences.
- [33] The draft Otago Regional Policy Statement (RPS) 2021 sets out an objective and then policies that align with this approach. The draft objective seeks to ensure that levels of risk from natural hazards risks to people, property and communities within Otago do not exceed a tolerable level, and then the policy framework seeks first to identify areas of natural hazards, then undertake a risk assessment by determining the likelihood of a natural hazard event occurring and then its potential consequence. Once the level of risk is identified, the draft RPS directs particular consideration for new and existing development.

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- [34] Where the natural hazard risks are uncertain or unknown, but potentially significant or irreversible, the draft Otago RPS 2021 requires applying a precautionary approach to identifying, assessing and managing the risks by adopting an avoidance, or adaptive management response to diminish risk and uncertainty.
- [35] The approach proposed in the draft Otago RPS 2021 is intended to apply to all of Otago and for all natural hazards, with the aim (by Variation to the RPS in around 2026) to articulate areas where land use and development does not have a natural hazard and risk constraint, areas where any natural hazard and risk constraint can be sufficiently mitigated, and areas where development should not occur. The exception to this approach is when assessing risk from hazards in the coastal environment. The New Zealand Coastal Policy Statement (NZCPS) outlines a more stringent approach to hazards, through Policies 25 and 27.
- [36] Ahead of this regional approach to managing natural hazards and risk, there are areas that are subject to pressure now to develop. It is important that a methodology or principles are agreed that can be applied now and until the regional approach is complete, to ensure a consistent approach and outcome for same and similar hazards, and to ensure the whole of Otago is managed consistently.
- [37] It is recommended to apply the approach proposed in the draft Otago RPS 2021 to the Forbury Park site in order to guide ORC forming a position on any proposed redevelopment.

#### **Application to the Forbury Park site**

- [38] The information on natural hazard and changes to the physical environment currently available for the Forbury Park site is not site specific or detailed enough to apply a detailed assessment of the level of risk.
- [39] The information is, however, sufficient to flag that future redevelopments of the site will require very careful consideration of natural hazards and to take into account the likely changes to the physical environment (including the effects on groundwater) for the long term (100 years and longer) of the site.
- [40] The position on the redevelopment of the site that is recommended in this report is to support proposals that adopt a precautionary approach to identifying, assessing and managing the natural hazard risks by adopting an adaptive management response to diminish risk and uncertainty.
- [41] The opportunity to envisage the possibility of using the site or part of the site to mitigate the flood hazard for the wider South Dunedin area needs also to be part of any proposal to redevelop the site.

#### **OPTIONS**

- [42] Ahead of the implementation of the draft RPS to develop a regional approach to managing natural hazards and risk, Councillors need to decide a basis for decision making as and when green fields sites may be subject to development pressure.

- [43] One option is to implement or assess hazards and risk as set out below, drawing on the principles from *Man O'War*. This approach reflects the draft RPS so would enable any areas ahead of the regional approach to fit within the framework, ensure consistency, and clarify decision making.
- [44] The alternative would be to assess each site on a case by case basis, considering what is already occurring, what is proposed and then respond on an individual basis.

## **CONSIDERATIONS**

### **Strategic Framework and Policy Considerations**

- [45] Adopting a principled approach based on *Man O' War* is consistent with the draft RPS and ensures a clear approach to managing hazards and risk, ahead of a regional approach to managing risk.
- [46] The precautionary approach discussed in this paper reflects Council's Strategic Directions where our vision states: communities that are resilient in the face of natural hazards, climate change and other risks.

### **Financial Considerations**

- [47] Not applicable.

### **Significance and Engagement**

- [48] Not applicable.

### **Legislative and Risk Considerations**

- [49] The likely reforms of the resource management system and the strengthening of provisions related to local authorities' leadership for climate change adaptation could influence the ORC positions on consideration and management of natural hazards risks and climate change for green-fields or brown-fields sites.
- [50] ORC must give effect to the NZCPS when assessing risk from hazards in the coastal environment.

### **Climate Change Considerations**

- [51] Refer to the Background and Discussion sections above.

### **Communications Considerations**

- [52] Ensure that the information on natural hazards, geology, physical environment changes including the likely climate change are made available and considered in potential redevelopment proposals for the Forbury Park site.

## **NEXT STEPS**

- [53] Not applicable

**ATTACHMENTS**

1. Summary of current information relevant to the vicinity of Forbury Park site (May 2021)  
[7.2.1 - 6 pages]

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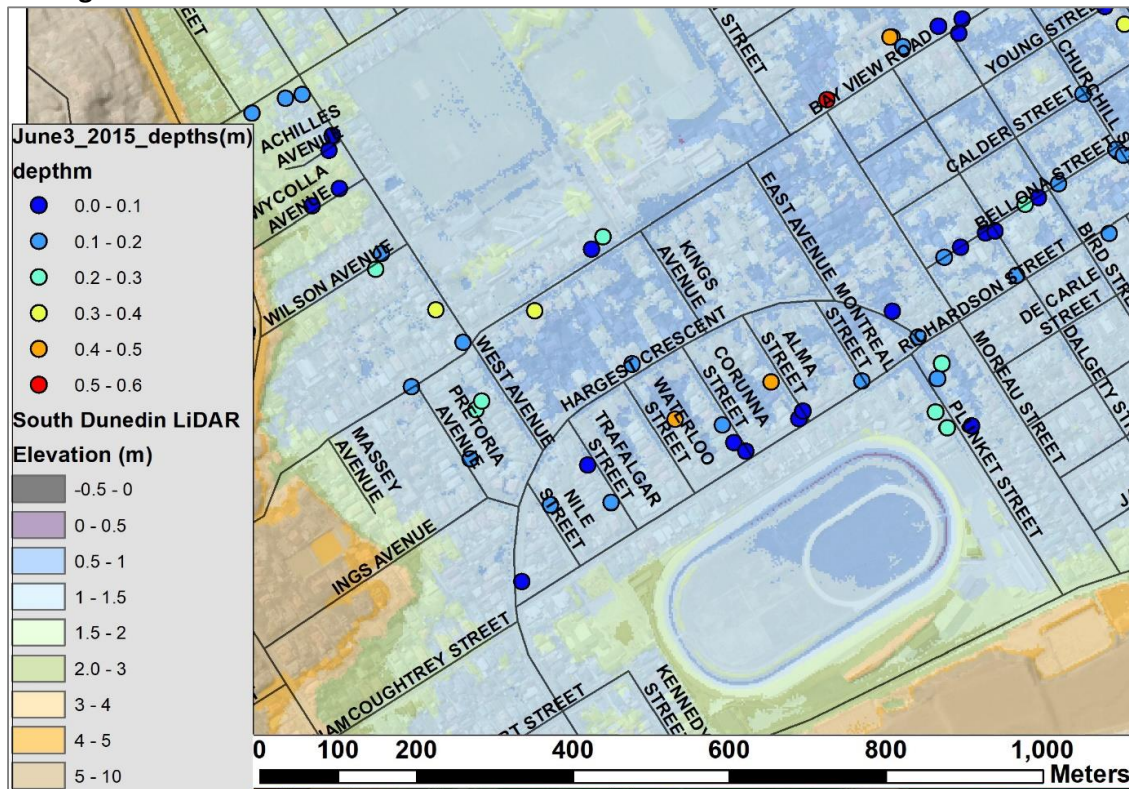
## Appendix A

### Summary of current information relevant to the vicinity of 146 Victoria Road (Forbury Park site) from information held by ORC (May 2021)

#### Note

The information provided in this appendix is relevant to the vicinity of 146 Victoria Road but is not a site-specific report or assessment nor a Land Information Memorandum (LIM).

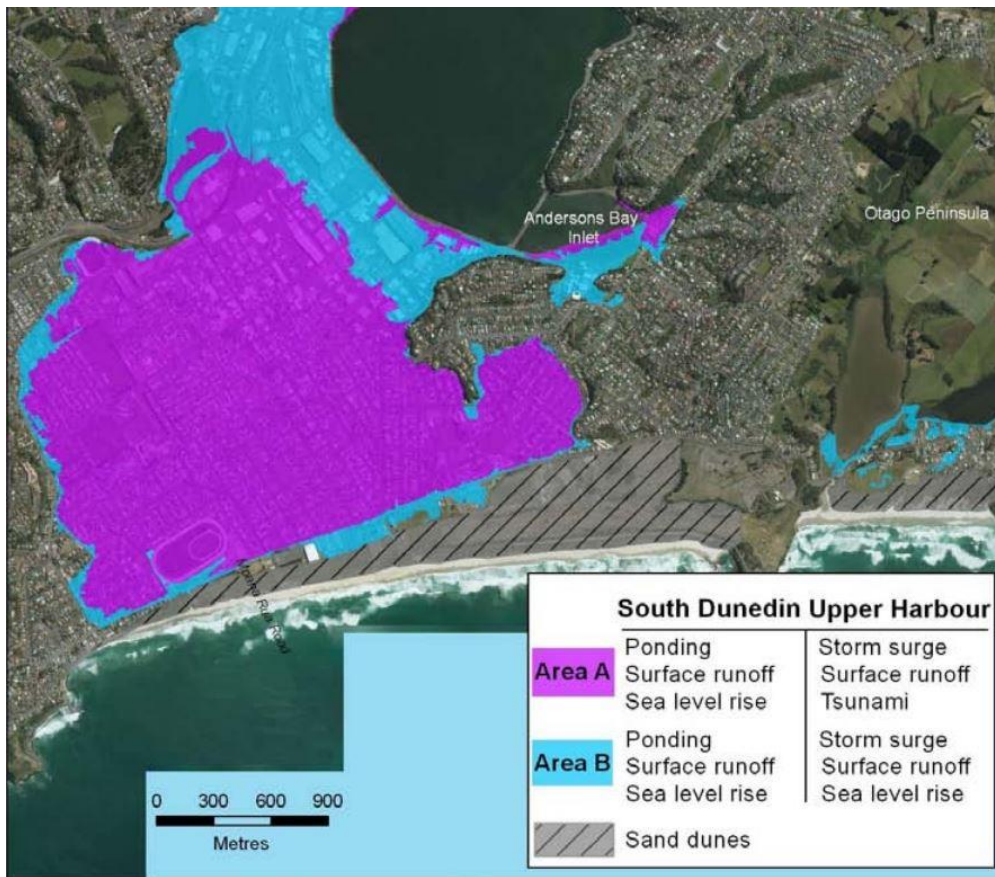
#### Setting:



**Figure A.1** LiDAR elevation of the Forbury raceway site at 146 Victoria Road. Measured flood depths from the June 2015 heavy rainfall event are also shown for surrounding streets.

**Surface flooding:** Most of the South Dunedin flat is identified as at risk of flooding due to surface runoff, or storm surge. Although the ORC Natural Hazards database does not contain property-specific information on flood risk, a general assessment can be made of relative flood hazard using LiDAR elevation data. The Northeastern half of 146 Victoria Road lies below 1 m elevation above Mean Sea Level (Figure A.1) and can therefore be considered as below the high-tide mark. Figure A.2 shows NIWA’s estimated 100-year return period storm surge height and the whole property lies within this lower, ‘Area A’ hazard zone.



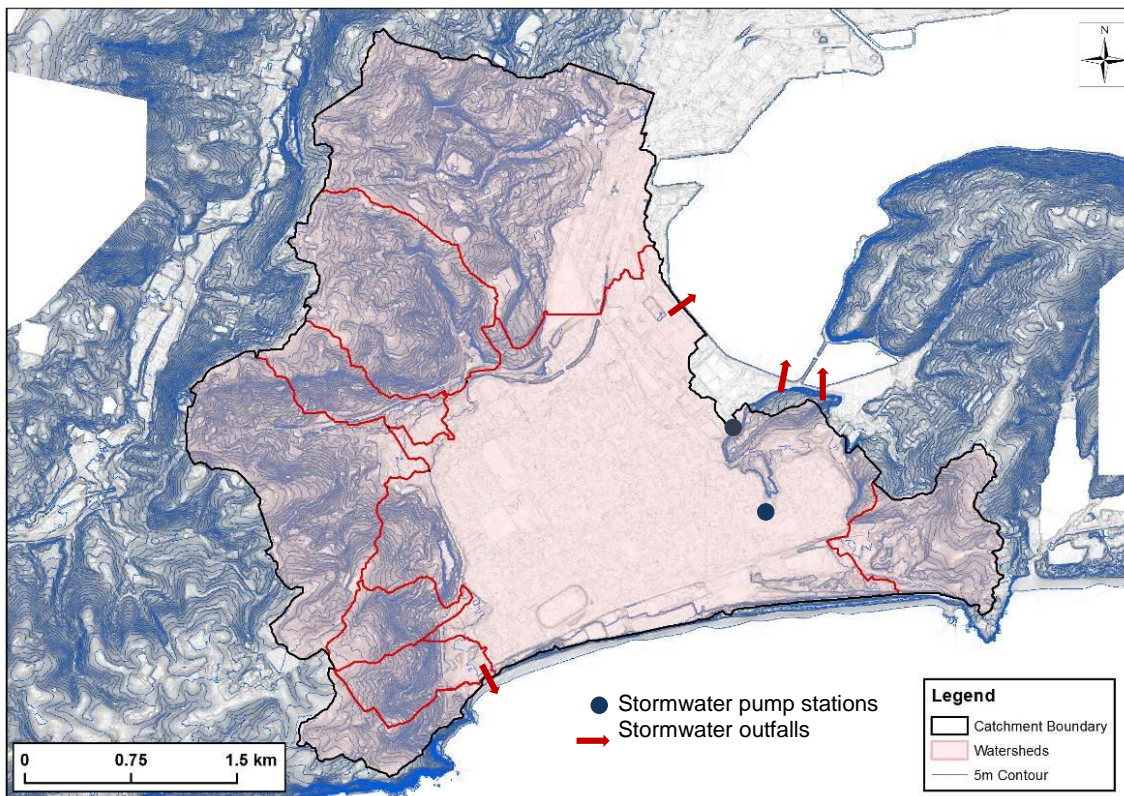


**Figure A.2** Mapped Natural Hazard areas in South Dunedin from Coastal Hazards of the Dunedin City District (ORC, 2014)

During heavy rainfall events, such as occurred on June 3, 2015, ponding is likely to occur in this area when the stormwater system is overwhelmed. As shown by the LiDAR in Figure A.1, the property lies at the foot of a hill and is a low point compared to the residential areas immediately to the East and West and hemmed in by sand dunes to the South. As DCC’s design standard for the stormwater system in the area is approximately a 1 in 2 year rainfall event, intense rainfall means this area is at risk of surface ponding such as occurred during June 2015. ORC’s hydrological analysis of this event suggests the rainfall total experienced then (1-day rainfall total of ~140 mm) has an estimated recurrence of about 50 years<sup>1</sup>.

Figure A.3 below indicates the catchment area of the Forbury hill suburbs and shows how all rainfall received in the area is routed underground to DCC-maintained stormwater infrastructure, as there are no remaining natural waterways on the surface due to progressive development and drainage of the area. Stormwater outfalls and pump stations therefore provide all drainage of rainfall and runoff which does not infiltrate into the groundwater system.

<sup>1</sup> Otago Regional Council, 2015. Coastal Otago flood event 3 June 2015.



**Figure A.3** Contour map showing the natural boundary of the South Dunedin catchment (black line) and sub-catchments (red lines). Stormwater pump stations and outfalls are also shown.

**Shoreline change and coastal hazards:** Modelling by NIWA and previous experience of storm surge and tsunami indicates that direct inundation of the South Dunedin plain from the Pacific Ocean is unlikely under present conditions, although previous storm events have had significant scarping effects on coastal dunes and beaches. However, if the ability of the St Clair – St Kilda dune system to provide a buffer against these hazards was diminished, then the vulnerability of people and property in South Dunedin would increase, due to the low-lying nature of this area and its proximity to the coast. ORC undertakes wave height and dune profile data collection in partnership with DCC. The University of Otago School of Geography is providing 6-monthly updates on shoreline change trends, partially to support DCC in their St Kilda - St Clair Coastal Plan. Part of this work will incorporate options for mitigation of the hazard posed by the historic landfill in the old lagoon, where Kettle Park and the playing fields are today (Figure A.4).



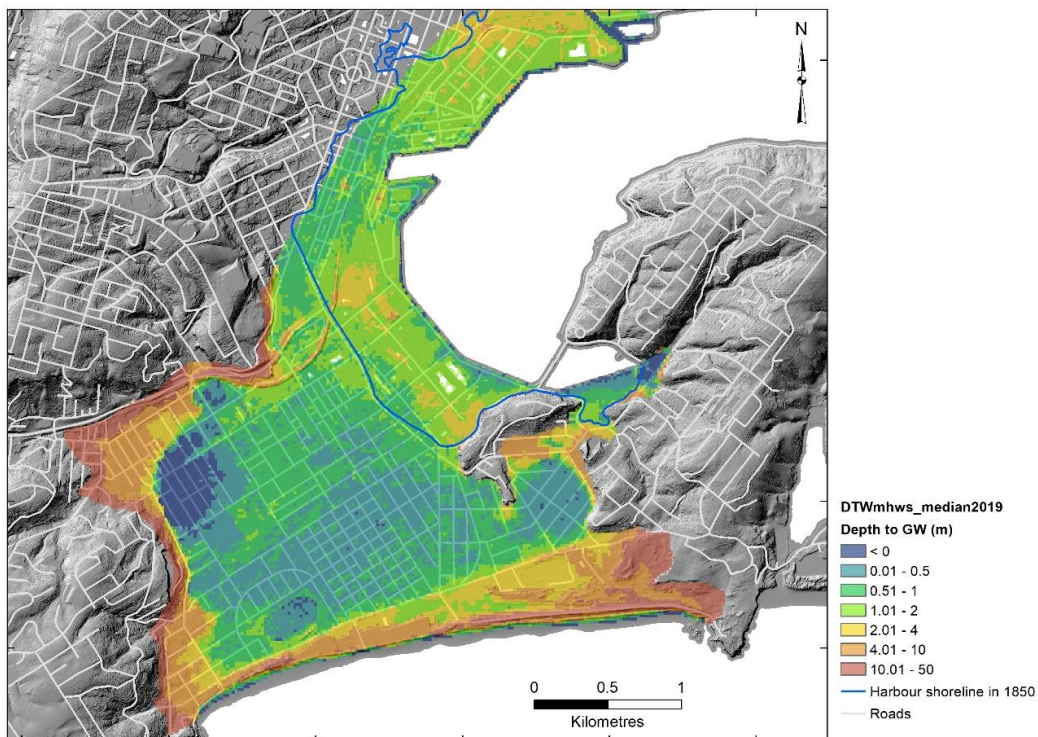


**Figure A.4** View to the west from Moana Rua toward St Clair. Approximate area of historic landfill is outlined. DCC are currently investigating options to mitigate the potential impacts of sea level rise and projected erosion of the dune.

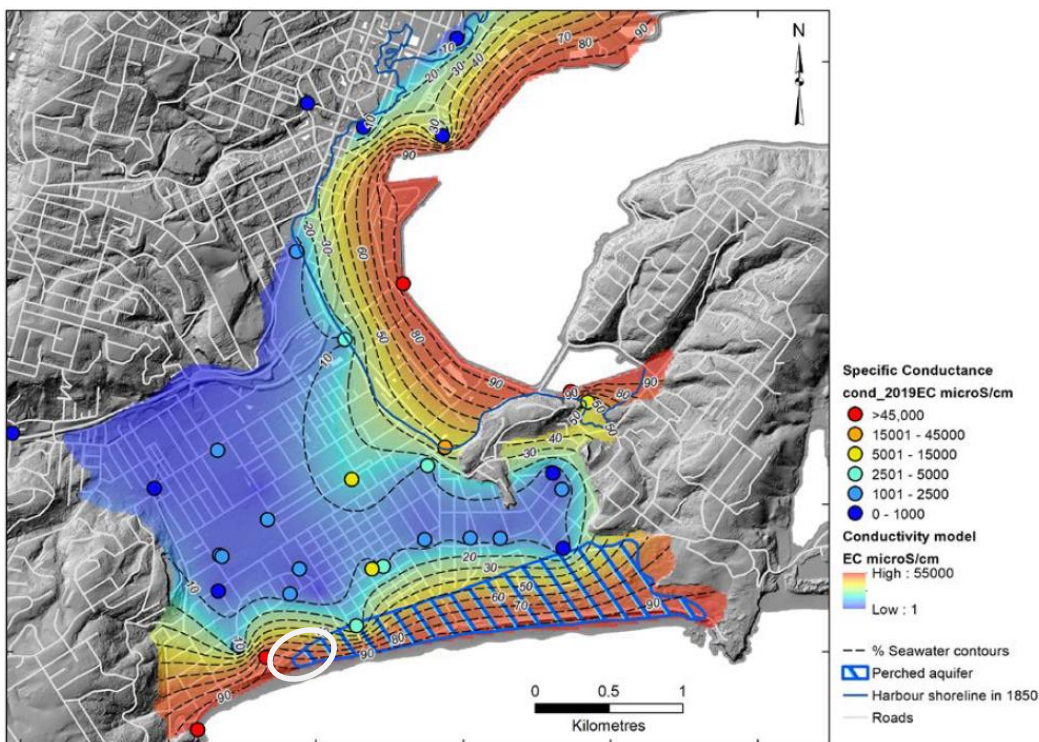
**Groundwater:** In addition to four telemetered groundwater bores located in South Dunedin, ORC has monitored groundwater at additional sites over the past 24 months as part of an investment in understanding water table fluctuations and their connection to rainfall, tides, and piped infrastructure. Groundwater elevations are highly variable at any given time, but the median elevation for the first year of data from all sites is shown below in Figure A.5. Initial results of this work, published in Cox et al., (2020) suggest complex differences in rainfall recharge, tidal efficiency, and electrical conductance of the groundwater across South Dunedin<sup>2</sup> (see Figure A.6).

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<sup>2</sup> Cox SC, Ettema MHJ, Mager SM, Glassey PJ, Hornblow S, Yeo S. 2020. Dunedin groundwater monitoring and spatial observations. Lower Hutt (NZ): GNS Science. 86 p. (GNS Science report; 2020/11).



**Figure A.5** Median depth to groundwater at high tide in South Dunedin from Cox et al., 2020. Values at the Forbury Raceway are interpolated to be less than 0.5 m at high tide.



**Figure A.6** Electrical conductance of groundwater at ORC piezometers and interpolated across South Dunedin. Note the perched freshwater aquifer over the sea-connected main aquifer. Forbury raceway is circled. (From Cox et al., 2020)

Continuous groundwater monitoring at four ORC sites surrounding Forbury raceway, all within 200 m of the site, indicates groundwater which is tidally connected to varying degrees. ORC is planning to install two additional sites in the dunes on the South side of Victoria Road to better establish aquifer parameters through pumping tests. These data are necessary for understanding future drainage options and buried infrastructure challenges in the area.

**Tsunami:** Information on ORC's hazards database shows the property (as well as all of the low-lying parts of South Dunedin) is in a storm-surge and tsunami risk area, being of elevation not much greater than the high tide mark and near the coast (See Figure A.1). The Forbury park area is within Otago CDEM's yellow zone, indicating evacuation is warranted with a wave warning of 3 m or more.

**Seismic:** The seismic shaking hazard in the Dunedin City area is high as it is for most of New Zealand, with both distant seismic sources such as the Alpine Fault, and local sources such as the Akatore Fault, likely to cause significant shaking. ORC is soon to release an updated Active Faults map for Clutha and Dunedin districts which contains new information on activity of the Akatore Fault which runs just offshore of South Dunedin<sup>3</sup>.

The ORC Natural Hazards database also specifies the property is in zones identified by GNS Science as 'Domain C' or potentially susceptible to liquefaction during a seismic event<sup>4</sup>. This is because they are predominantly underlain by sands and silts. Further work by ORC and Geosolve indicated the clay content of most South Dunedin soils is high, giving it greater plasticity and therefore less likely than previously thought to experience liquefaction to the extent seen in Eastern Christchurch<sup>5</sup>. However, the variability of soil properties is very high across all the tested sites, with pockets of sandier and siltier, highly liquefiable soils, so a change from the previous 'Domain C' grouping given by GNS is therefore not warranted.

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<sup>3</sup> Planned to be presented at ORC Data and Information Committee in June 2021

<sup>4</sup> Barrell DJA, Glassey PJ, Cox SC, Smith Lyttle B. 2014. Assessment of liquefaction hazards in the Dunedin City district, GNS Science consultancy report 2014/068. 66 p.

<sup>5</sup> Data and Information Committee 2020.10.14



### 7.7. ECO Fund Review – Scope Options

|                      |   |
|----------------------|---|
| <b>Prepared for:</b> | Council   |
| <b>Report No.</b>    | BIO2117   |
| <b>Activity:</b>     | Environmental: Land<br>Environmental: Water   |
| <b>Author:</b>       | Euan Hind, Partnership Lead - Biodiversity<br>Andrea Howard, Manager Environmental Implementation |
| <b>Endorsed by:</b>  | Gavin Palmer, General Manager Operations  |
| <b>Date:</b>         | 25 August 2021  |

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#### PURPOSE

- [1] This paper seeks endorsement of the proposed scope of works for the 2021 review of the Fund, and approval to redistribute funds from the March 2021 round.

#### EXECUTIVE SUMMARY

- [2] The ECO (Environment.Community.Otago.) Fund supports community driven projects that protect, enhance, and promote Otago’s environment. The ECO Fund was established by Otago Regional Council (ORC) in July 2018. It supports both administrative costs and on-the-ground capital costs (‘shovel time’).
- [3] 2021 is an opportune time to complete a thorough review of both the criteria and the operational elements of the ECO Fund. The proposed scope of works for the 2021 annual review of the ECO Fund is detailed in this paper.
- [4] One successful applicant from the March 2021 round did not ultimately require the grant from the ECO Fund. Approval is therefore sought to redistribute funds to the highest ranked project from the March 2021 round that did not receive funding.

#### RECOMMENDATION

*That the Council:*

- 1) **Receives** this report.
- 2) **Approves** the recommended scope for the ECO Fund’s 2021 annual review process.
- 3) **Approves** the redistribution of funds, totalling \$6,912, from the March 2021 round of the ECO Fund.
- 4) **Approves** an amendment to the current administrative process of the ECO Fund whereby in 2021/2022 one large application round will occur (in March 2022).

#### BACKGROUND

- [5] The ECO (Environment. Community. Otago) Fund supports community driven projects that protect, enhance, and promote Otago’s environment. The ECO Fund was established by ORC in July 2018. It supports both administrative costs and on-the-ground capital costs (‘shovel time’). To date the Fund has provided support to 75 projects to a total of \$747,829 (see paragraph 6).
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- [6] From July 2018 to June 2021 ORC provided \$250,000 annually through the ECO Fund. This is being increased to \$290,000 from the 2021/22 year. Since October 2019 the ECO Fund has been split into two rounds of funding each year. These rounds have been conducted in March and October. There are two categories of application for each round of the ECO Fund; those under \$5,000 and those over \$5,000.
- [7] There have been seven rounds of the ECO Fund. The outcomes of each round are detailed in the table below for comparison. It is noted that one successful applicant, Palmerston Primary School, did not accept their \$5,437 grant awarded in the March 2021 round (Council Paper BIO2107 from 27 May 2021) as they secured the funds they required via a separate grant (from Waitaki District Council). Therefore, the total funded figure for March 2021 (\$118,088) is \$5,437 less than the total funding reported to have been awarded in the March 2021 round (\$123,525 as per Council Paper BIO2107 from 27 May 2021).

| Round          | Applications | Total Requested | Projects Funded | Total Funded     |
|----------------|--------------|-----------------|-----------------|------------------|
| March 2021     | 25           | \$296,725       | 10              | \$118,088        |
| October 2020   | 35           | \$523,877.30    | 10              | \$124,743        |
| March 2020     | 24           | \$323,312.63    | 14              | \$132,573.78     |
| October 2019   | 24           | 388,264.00      | 11              | \$117,426        |
| May 2019       | 25           | \$331,731       | 11              | \$73,666         |
| January 2019   | 24           | \$386,321       | 9               | \$73,666         |
| September 2018 | 27           | \$332,824       | 10              | \$107,666        |
| <b>Total:</b>  |              |                 |                 | <b>\$747,829</b> |

- [8] The table below details the geographic spread of successful ECO Fund grants to date, and the work programme areas they relate to.

| Focus Area       | Projects Funded | Biodiversity | Biosecurity | Water     | Environ'. Promotion | Waste    |
|------------------|-----------------|--------------|-------------|-----------|---------------------|----------|
| Central Otago    | 6               | 6            |             |           |                     |          |
| Clutha           | 10              | 1            | 4           | 5         |                     |          |
| Dunedin          | 23              | 7            | 7           | 5         | 3                   | 1        |
| Queenstown Lakes | 24              | 7            | 12          | 2         | 2                   | 1        |
| Waitaki          | 5               | 2            | 1           |           | 2                   |          |
| Region-wide      | 7               | 3            |             | 2         | 2                   |          |
| <b>Totals:</b>   | <b>75</b>       | <b>26</b>    | <b>24</b>   | <b>14</b> | <b>9</b>            | <b>2</b> |

- [9] Administration of the ECO Fund is a multi-staged process. This process is detailed in Figure 1 below. This paper to Council relates to Step 9 in the process.

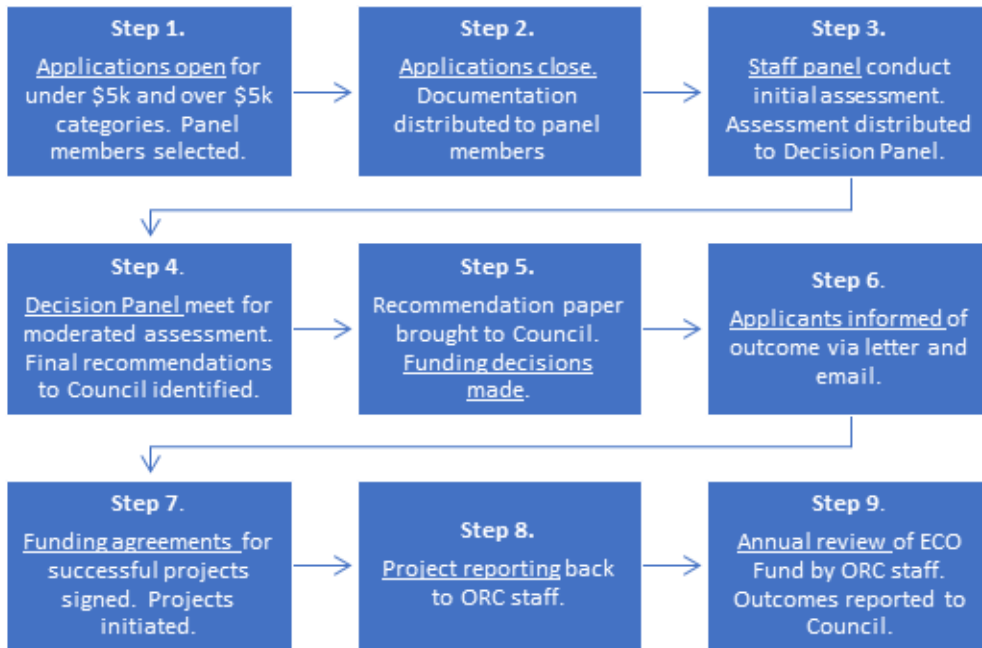


Figure 1: ECO Fund process

**DISCUSSION**

- [10] The ECO Fund last had a major annual review in 2019 (Council Paper SHE1846 on 31 July 2019). The 2020 Annual Review (Council Paper GOV1938 on 10 September 2020) did not propose any changes to the purpose, criteria or terms and conditions of the Fund.
- [11] 2021 is an opportune time to complete a thorough review of both the criteria and the operational elements of the ECO Fund; The Fund continues to be oversubscribed, it has an increase in funding starting this financial year, and there are several additional ORC incentive programmes due to be established this financial year (these incentive programmes will support initiatives such as community responses to pest management, reforestation efforts, and environmental restoration projects).
- [12] Staff have proposed, and are seeking endorsement of, the following scope of works for the 2021 review of the Fund:
  - Review the assessment criteria of the Fund to ensure it is fit for purpose and reflects ORC’s objectives and priorities;
  - Review the number and timing of rounds to encourage best uptake by the community and to ensure the Fund is efficiently operated;
  - Seek feedback from recent applicants to the ECO Fund and obtain feedback from recent Council members of the ECO Fund Decision Panel;
  - Refine the application process based on the above reviews and feedback to make the process as clear and straightforward as possible;
  - Assess the potential to strategically align the ECO Fund with the additional environmental incentive programmes starting this financial year; and,
  - Ensure alignment with ORC work programmes as detailed in the 2021-31 Long Term Plan.
- [13] Council may wish to include further areas in the scope of review. The proposed scope of works is to be completed between September and October 2021.



- [14] In order to undertake a comprehensive review of the ECO Fund, and to commence the development of a broader overarching Environmental Incentives Strategy, it is proposed that the October 2021 round of the ECO Fund is removed and replaced with one large round in March 2022. If approved, the change in deadline would be communicated widely through usual channels. Potential applications would still be discussed, and advice provided to support applicants through the process between now and March 2022.
- [15] It is expected that the ECO Fund will continue to play a key role in Council's ability to support community driven projects that protect, enhance, and promote Otago's environment. Additional funding allocated to the ECO Fund during Council's 2021-31 Long Term Plan and new funding to support initiatives such as community responses to pest management, reforestation efforts, and environmental restoration projects necessitate consideration of the best strategy to distribute funding and incentivise positive environmental action. Enough time needs to be allocated to ensure the increase in funding provides the greatest benefit to Otago's communities and the environment. Delaying the October 2021 round provides the necessary time.
- [16] Palmerston Primary School was awarded \$5,437 in the March 2021 round of the ECO Fund for their creek restoration project (Council Paper BIO2107 from 27 May 2021). The School has indicated to us that they no longer require the money from the ECO Fund. They secured the money for their project through the Waitaki District Council. The School has indicated they are happy for us to re-distribute the funds awarded to them. There are two options available to Council at this point:
- Do not spend the \$5,437; or
  - Approve re-distribution of funds to the highest ranked project from the March 2021 round that did not receive funding.
- [17] It is also noted that the March 2021 round awarded \$123,525. This is \$1,475 less than the budgeted \$125,000. With Palmerston Primary School no longer requiring their funding, this leaves a total of \$6,912 now unawarded from the March round.
- [18] The recommendation to Council is that we re-distribute the funds awarded to Palmerston Primary School, in addition to the \$1,475 left over from the March round (for a total of \$6,912), to the highest ranked application from the March 2021 round that did not receive funding. The highest ranked application that did not to receive funding was from Wanaka Backyard Trapping.
- [19] Wanaka Backyard Trapping sought \$14,432 as per their application attached. If awarded \$6,912 Wanaka Backyard Trapping would be able to secure the 120 pest animal traps (\$6,451.96), along with the installation consumables (\$300), and the public signage (\$90) they sought in their March 2021 application.
- [20] In principle support for this recommendation has been sought and obtained from the four Council members on the ECO Fund Decision Panel for the March 2021 round (Crs Deaker, Hope, Malcolm and Noone).

## OPTIONS

- [21] Two options have been identified to assist Council with their decision making for the proposed scope of works for the 2021 annual ECO Fund review.
- a. **Option One – approve** the proposed scope of works as presented in paragraph 10.
  - b. **Option Two – reject or amend** the proposed scope.
- [22] Two options have been identified to assist Council with their decision making for the proposed redistribution of funds from the March 2021 round.
- a. **Option One – approve** the re-distribution of \$6,912 to the Wanaka Backyard Trapping application.
  - b. **Option Two – reject** the re-distribution of funds and do not spend the remaining \$6,912 from the March 2021 round.

## CONSIDERATIONS

### Strategic Framework and Policy Considerations

- [23] This paper does not trigger Strategic Framework or Policy considerations.

### Financial Considerations

- [24] The Council had a total of \$125,000 budgeted for the March 2021 round of the ECO Fund.

### Significance and Engagement

- [25] This paper does not trigger ORC's policy on Significance and Engagement.

### Legislative and Risk Considerations

- [26] This paper does not trigger Legislative and Risk considerations.

### Climate Change Considerations

- [27] This paper does not trigger Climate Change considerations.

### Communications Considerations

- [28] The annual review process and its outcomes will be communicated to potential applicants via several communication channels (e.g., website, radio, print).
- [29] The applicants behind the Wanaka Backyard Trapping project will have be informed of the Council's intent regarding the proposed re-distribution of funds.

## NEXT STEPS

- [30] Initiate the 2021 annual review of the ECO Fund.

## ATTACHMENTS

Nil

## 7.8. Proposal to join the Local Government Funding Agency

|                      |   |
|----------------------|---|
| <b>Prepared for:</b> | Council   |
| <b>Report No.</b>    | CS2142  |
| <b>Activity:</b>     | Governance Report                                 |
| <b>Author:</b>       | Nick Donnelly, General Manager Corporate Services |
| <b>Endorsed by:</b>  | Nick Donnelly, General Manager Corporate Services |
| <b>Date:</b>         | 25 August 2021                                    |

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### PURPOSE

- [1] To approve Council joining the Local Government Funding Agency (LGFA) as a guaranteeing member and to delegate authority to the Co-Chairs of the Finance Committee and Chief Executive to execute the documents required for this to occur.

### EXECUTIVE SUMMARY

- [2] At the June 2021 meeting, Council approved the proposal to join the LGFA as a guaranteeing member and endorsed consultation on that proposal as required under the LGA 2002.
- [3] That consultation was undertaken from 17 June 2021 to 16 July 2021. Two submissions were received, one supporting and one opposing the proposal. Neither submission wished to be heard on their submission.
- [4] Neither submission raised any additional points for consideration and after discussion with Councillors Malcolm and Calvert the recommendation remains to join the LGFA as a guaranteeing member as outlined in the proposal to join and consultation.

### RECOMMENDATION

*That the Council:*

- 1) **Notes** the feedback received from consultation on the proposal to join the Local Government Funding Agency (LGFA).
- 2) **Approves** the Council joining the LGFA as a guaranteeing member.
- 3) **Instructs** staff, together with Council's investment and legal advisors, to prepare the documents required to complete Council's LGFA membership.
- 4) **Notes** the intent to appoint Covenant Trustee Services Ltd as trustee under the Debenture Trust Deed.
- 5) **Notes** the intent to appoint Computershare Investor Services Ltd as registrar and paying agent.
- 6) **Notes** the list of documents required to be executed in order to join the LGFA.
- 7) **Authorises and delegates** the Co-Chairs of Finance (Councillors Malcolm and Calvert) and the Chief Executive to execute the documents required to complete Council's membership of the LGFA and give effect to the above recommendations.

- 8) **Notes** a revised Treasury Management Policy was adopted in June 2021 and no further changes are proposed to this document following the consultation on the proposal to join the LGFA.
- 9) **Notes** that once membership is confirmed it is proposed to borrow from the LGFA as per the level of external borrowing included in the Long-Term Plan 2021-31.

## **BACKGROUND**

- [5] Historically Council has had no external debt and has internally funded activities that required debt funding. This internal debt has been funded via reserves.
- [6] Council is currently using an overdraft facility to fund working capital cashflow requirements until rates are struck in early September 2021. The majority of those rates are not expected to be received until late October 2021.
- [7] Although the striking and receipt of the 2021-22 rates will repay the current overdraft and create surplus funds, this surplus will decrease, and further use of the overdraft facility will be required before the end of the 2021-22 financial year unless long term debt funding is put in place.
- [8] The Long-Term Plan 2021-31 proposes the use of external debt to replace the core of Council's internal debt. This will enable reserves to be repaid, provide a cheaper source of funding and improve working capital cash management.
- [9] At the meeting on 24 February 2021 Council approved staff to commence the process of joining the LGFA and on 9 June 2021 Council approved the proposal to join to the LGFA and endorsed this being consulted on as required under the LGA 2002.
- [10] Three borrowing options were considered in that proposal:
  - a. Join the LGFA as a guaranteeing member.
  - b. Join the LGFA as a non-guaranteeing member.
  - c. Do not join the LGFA.
- [11] These options were analysed in the paper presented to Council on 9 June 2021 and outlined in the proposal to join the LGFA and consultation documentation.
- [12] Option a. Join the LGFA as a guaranteeing member, was the preferred option
- [13] The Treasury Management Policy was also revised to include the borrowing limits required under the LGFA and to include the LGFA as a permitted investment.
- [14] The Long-Term Plan 2021-31 included the use of external debt of \$25 million for the five years to June 2026 with this amount reducing \$2 million per annum to \$15 million at June 2031.

## **DISCUSSION**

- [15] Two Councillors will be required to execute the following documents on behalf of Council:
  - a. Debenture Trust Deed.
  - b. Registrar and Paying Agent Services Agreement.
  - c. Security Replacement Deed.

- d. Accession Deeds (Multi-issuer Deed, Notes Subscription Agreement, Equity Commitment Deed, Guarantee and Indemnity).

- [16] The Chief Executive will be required to execute the following documents:
  - a. Security Stock Certificates (in relation to the Multi-issuer Deed, Equity Commitment Deed, Guarantee and Indemnity and security stock to be issued to Bank of New Zealand).
  - b. Stock Issuance Certificates (in relation to the above).

## **CONSIDERATIONS**

### **Strategic Framework and Policy Considerations**

- [17] Joining the LGFA supports Council's strategic direction and provides cash and funding necessary to implement the activities outlined in the Long-Term Plan 2021-31.
- [18] The Treasury Management Policy has been amended to allow the LGFA to be a permitted investment activity. This change was necessary as LGFA borrower notes are required to be held and these may convert to equity.
- [19] Borrowing limits in the TMP have been aligned to those required by the LGFA.

### **Financial Considerations**

- [20] Use of external debt has been included in the draft LTP 2021-31. Debt levels outlined in this proposal are consistent with those proposed in the LTP.
- [21] Financial considerations of each option were outlined in the paper to Council on 9 June 2021 and in the proposal to join the LGFA.

### **Significance and Engagement**

- [22] Under s.56 of the Local Government Act 2002 (LGA 2002) consultation is required via a special consultative process (s.82 of the LGA 2002) before Council can establish or become a shareholder in a CCTO. join the LGFA.
- [23] Council could become a shareholder in the LGFA in the event borrower notes converted to equity Text.
- [24] This consultation requirement has been complied with.

### **Legislative and Risk Considerations**

- [25] Legislative requirements around consultation have complied with.
- [26] An external legal advisor (Buddle Findlay) has been engaged to establish a debenture trust deed, appoint a Trustee and Registry and to prepare the accession documents and certificates.
- [27] There is risk associated with the use of external debt and there also risk associated with the ongoing use of internal debt. These risks were outlined in paper to Council on 9 June 2021 and in the proposal to join.
- [28] Primary risk considerations are credit risk, interest rate risk, cashflow risk and risk around joining as a guaranteeing member.

**Climate Change Considerations**

[29] There are no climate change considerations.

**Communications Considerations**

[30] There are no communications considerations.

**NEXT STEPS**

[31] Staff and advisors will prepare the required documentation to complete joining the LGFA.

[32] The Co-Chairs of Finance and the Chief Executive will be provided with that documentation for execution on behalf of Council.

[33] Once membership is confirmed external borrowing will be obtained via the LGFA as outlined in the LTP.

**ATTACHMENTS**

Nil

### 7.9. CE Performance Review Committee Membership

**Prepared for:** Council  
**Report No.** GOV2134  
**Activity:** Governance Report  
**Author:** Amanda Vercoe, General Manager Governance, Culture and Communication  
**Endorsed by:** Cr Andrew Noone, Chairperson  
**Date:** 25 August 2021

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#### PURPOSE

[1] To update the membership of the CE Performance Review Committee.

#### EXECUTIVE SUMMARY

[2] The membership of the CE Performance Review Committee is currently Cr Andrew Noone (Chair), Cr Michael Deaker, Cr Alexa Forbes and Hon Marian Hobbs.

[3] Cr Alexa Forbes wishes to step down from the Committee, and it is proposed that Cr Hilary Calvert be appointed to the Committee in Cr Forbes place.

#### RECOMMENDATION

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** that Cr Alexa Forbes wishes to step down from the CE Performance Review Committee.
- 3) **Appoints** Cr Hilary Calvert to replace Cr Forbes the CE Performance Review Committee.

#### BACKGROUND

[4] Nil.

#### DISCUSSION

[5] Nil.

#### OPTIONS

[6] Nil.

#### CONSIDERATIONS

##### Strategic Framework and Policy Considerations

[7] Nil.

##### Financial Considerations

[8] Nil.

##### Significance and Engagement

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[9] Nil.

**Legislative and Risk Considerations**

[10] Nil.

**Climate Change Considerations**

[11] Nil.

**Communications Considerations**

[12] Nil.

**NEXT STEPS**

[13] To update the Committee Memberships booklet.

**ATTACHMENTS**

Nil



**7.10. Documents Signed Under Council Seal**

**Prepared for:** Council

**Report No.** GOV2135

**Activity:** Governance Report

**Author:** Dianne Railton, Governance Support

**Endorsed by:** Amanda Vercoe, General Manager Governance, Culture and Customer

**Date:** 25 August 2021

**PURPOSE**

- [1] To inform the Council of delegations which have been exercised during the period 12 May 2021 through 25 August 2021.

| Date       | Description   |
|------------|---|
| 16/06/2021 | Regional Plan: Water for Otago (Otago Regional Council – Updated to 1 June 2021)  |
| 16/06/2021 | Regional Plan: Water for Otago – Amendment 3 NPS Freshwater Management 2020 (Amendment to the Regional Plan Water for Otago became operative on Tuesday, 1 June 2021)   |
| 27/05/2021 | Otago Regional Council Standing Orders, amended and adopted 27 May 2021   |
| 24/06/2021 | Use and Maintain No. 2489B (Mining Privilege No. WR1421A) – Greener Pastures Trust Limited of 321 Gibbston Back Road, RD1, Dunedin  |
| 06/07/2021 | Use and Maintain No. 3735 (Mining Privilege No. WR2367N) – Christopher Patrick Mulholland and Dale Evelyn Mulholland of Ranfurly-Patearoa Road, RD4, Ranfurly   |
| 06/07/2021 | Mining Privilege No. WR3478N – JMJ (The Bend) Limited of Polson Higgs, 137 Moray Place, Dunedin Central, Dunedin  |
| 06/07/2021 | Use and Maintain No.3005B (Mining Privilege No. WR517A) – Matangi Station Limited of ICL Chartered Accountants Limited, Level 1, 69 Tarbert Street, Alexandra   |
| 06/07/2021 | Deed of Covenant relating to the Warehouse property occupying a portion of Alexandra flood bank controlled by the ORC – between Otago Regional Council and Alexandra Retail Holdings Limited (Company Number 6838397) |
| 07/07/2021 | Deed of Charge of Rates & Rates Revenue between Otago Regional Council and Bank of New Zealand  |
| 11/08/2021 | Use and Maintain No. 3224 (Mining Privilege No. WR75P and WR88P) - Criffel Deer Limited, Level 2, Featherston Tower, 23 Waring Taylor Street, Wellington  |
| 11/08/2021 | Use and Maintain No. 3461B (Mining Privilege No. WR1665Cr) – Donald Alan Young, C/- Checketts McKay Law Limited, 2D The Mall, Cromwell  |
| 11/08/2021 | Mining Privilege No. WR680B – Richard James Morgan and Harris Inglis Hunter being Trustees of the R J Morgan Family Trust; C/- Richard Morgan, Matakauui, RD, Omakau  |
| 11/08/2021 | Use and Maintain No. 3095C (WR622R) – Glen Stephen Manderson, 3701 Fruitlands – Roxburgh Road, RD1, Roxburgh  |
| 11/08/2021 | Deemed Permit 97727 Mining Privilege No. WR2770cr, Mahmoud Zareh and Bonnie Colleen Zareh, 51 McFelin Road, Cromwell  |
| 11/08/2021 | Use and maintain No. 3078 (Mining Privilege No. WR1126Cr) – Criffel Deer Limited of Level 2, Featherston Tower, 23 Waring Taylor Street, Wellington   |

**RECOMMENDATION**

*That the Council:*

- 1) Receives this report.**

**8.1. Recommendations of the Strategy and Planning Committee****Resolution**

*That the Council:*

- 1) **Adopt** the resolutions of the 7 July 2021 and 11 August 2021 Strategy and Planning Committee Meetings.

| <b>Report<br/>7 July 2021</b>   | <b>Recommendation –<br/>That the Committee:</b>  | <b>Resolution #</b> | <b>Mover/<br/>Seconder<br/>Result</b> |
|---|--|---------------------|---------------------------------------|
| 7.1. He Mahi Rau Rika Draft Significance, Engagement and Maori Participation Policy | <p>1) <b>Approves</b> Option 1 - the draft He Mahi Rau Rika - Significance, Engagement and Māori Participation Policy for consultation under Section 82 of the Local Government Act 2002.</p> <p>2) <b>Appoints</b> Councillors Deaker (Chair), Wilson and Scott to hear any submissions and make recommendations to Council.</p> <p>3) <b>Notes</b> that consultation is scheduled to commence on 19 July 2021 and will run for four weeks or 20 working days.</p> <p>4) <b>Notes</b> the draft document is subject to a formal design process prior to being presented to Council for final adoption on 29 September 2021.</p>                                 | SP21-108            | Cr Noone / Cr Forbes<br>CARRIED       |
| 7.2. Natural and Built Environments Act (NBA) Exposure Draft - Submission Process   | <p>1) <b>Notes</b> this report.</p> <p>2) <b>Notes</b> ORC is working with Otago and Southland councils to coordinate responses to resource management reform, including a potential joint submission on the Natural and Built Environments Act exposure draft.</p> <p>3) <b>Agrees</b> for the review and approval of the ORC submission (joint or individual) to be done by the Co-Chairs of the Strategy and Planning Committee, before being submitted to the Select Committee on 4 August 2021.</p> <p>4) <b>Notes</b> that a copy of the finalised submission will be brought to the Strategy and Planning Committee on the 11 August 2021 for noting.</p> | SP21-109            | Cr Noone / Cr Hobbs<br>CARRIED        |

|  |  |                 |                                  |
|--|--|-----------------|----------------------------------|
|  | 5) <b>Notes</b> that this is the first opportunity to provide feedback on the exposure draft, and there will be further opportunities later in the year. |                 |                                  |
| 6.1 Action Register of the Strategy and Planning Committee | 1) <b>That</b> Chair Noone formally write to DCC requesting a discussion is held on the action point South Dunedin Harbourside Adaptation Programme.     | <b>SP21-110</b> | Cr Hobbs / Cr Calvert<br>CARRIED |

| <b>Report<br/>11 August 2021</b>                                       | <b>Recommendation –<br/>That the Committee:</b>  | <b>Resolution #</b> | <b>Mover/<br/>Seconder<br/>Result</b> |
|--|--|---------------------|---------------------------------------|
| 8.1 Natural and Built Environments Act (NBA) Exposure Draft Submission | <p>1) <b>Notes</b> the following submissions were made to the Inquiry on the Natural and Built Environments Bill: Parliamentary paper:</p> <ul style="list-style-type: none"> <li>a. ORC’s individual submission; and</li> <li>b. The joint submission ORC is a signatory of, along with the other Otago-Southland Councils.</li> </ul> <p>2) <b>Nominates</b> Chair Noone as ORC spokesperson to the Select Committee Hearing on the inquiry.</p> | <b>SP21-111</b>     | Cr Calvert / Cr Hobbs<br>CARRIED      |

## 8.2. Recommendations of the Governance, Communications and Engagement Committee Resolution

That the Council:

- 1) **Adopt** the resolutions of the 11 August 2021 Governance, Communications and Engagement Committee meeting.

| Report   | Recommendation – That the Committee:   | Resolution #     | Mover/ Seconder Result             |
|--|--|------------------|------------------------------------|
| Update on EnviroSchools  | <ol style="list-style-type: none"> <li>1) <b>Notes</b> the update on the activities of EnviroSchools in Otago.</li> <li>2) <b>Requests</b> staff report to Council in time for the 2022/23 Annual Plan the cost of offering EnviroSchools to all schools and other education centres in Otago and the territorial authority funding that would be required.</li> </ol>   | <b>GCE21-103</b> | Cr Wilson / Cr Calvert<br>CARRIED  |
| Local Government Remuneration Determination 2021/22                | <b>Requests</b> staff to note should any Councillor be absent from Council or Committee meetings due to being on official Otago Regional Council business, this be noted as such in meeting minutes and any other reporting from 11 August 2021.   | <b>GCE21-104</b> | Cr Laws / Cr Calvert<br>CARRIED    |
| Local Government Remuneration Determination 2021/22                | <ol style="list-style-type: none"> <li>1) <b>Notes</b> this report.</li> <li>2) <b>Notes</b> the Remuneration Authority's Local Government Members Determination 2021/22.</li> <li>3) <b>Selects</b> Option 2 – to adopt the updated ORC Expenses, Reimbursements and Allowances Policy with no increase in the communications allowance.</li> <li>4) <b>Notes</b> the 2020/21 data for elected member remuneration and attendance data that will be included in the 2020/21 Annual Report.</li> </ol> | <b>GCE21-105</b> | Cr Kelliher / Cr Wilson<br>CARRIED |
| Review of Outstanding Actions of Council and Committee Resolutions | <ol style="list-style-type: none"> <li>1) <b>Notes</b> this report.</li> <li>2) <b>Notes</b> the complete Council and committee Action Register.</li> <li>3) <b>Notes</b> the shared tip sheet for crafting recommendations and resolutions.</li> <li>4) <b>Requests</b> staff add to the shared tip sheet for crafting recommendations and resolutions: "Encourage, where possible, proposed resolutions be reviewed with the Chief Executive or</li> </ol>   | <b>GCE21-106</b> | Cr Calvert / Cr Hope<br>CARRIED    |

|  |   |  |  |
|--|---|--|--|
|  | General Manager in advance if they may incur additional staff resourcing or impact the current budget". |  |  |
|--|---|--|--|

**Attachments**

Nil

### 9.1. Chairperson's Report

**Prepared for:** Council  
**Activity:** Governance Report  
**Author:** Chair Andrew Noone  
**Date:** 25 August 2021

#### KEY MEETINGS ATTENDED

- Crs Kelliher, Hope and Calvert attended a Regulatory staff presentation to the Otago's Banker forum.
- Manuherekia Rohe - Cr Malcom and I met with our Partners and Stakeholders for a coffee and a chat prior to the last Manuherekia Reference Group (MRG) meeting. We both attended the last MRG meeting held in Alexandra on the 19 July 2021.
- Otago Access Radio - two opportunities to promote the recently notified Regional Policy Statement and consultation period, which concludes on the 3 September 2021. Thanks to Cr Wilson and Senior Policy Analyst, James Adams.
- Spoke at Mosgiel Rotary about ORC's role and function, strategic direction and our top four priorities.
- Attended the Regional Sector Group tour of Marlborough, Local Government Conference and LGNZ AGM. Report attached.
- Represented ORC at a Central Lakes Trust workshop, along with representatives from Central Otago and Queenstown Lakes District Councils, Otago Polytechnic and Southern District Health Board. The purpose of the workshop was for the CLT to hear about the challenges and opportunities that we are confronted with, so they are better informed when making their funding decisions.
- Crs Forbes, Wilson, Hobbs, CEO and GM Gavin Palmer met with University of Otago Chancellor Royden Somerville, Deputy Vice Chancellor Professor Richard Blaikie and research staff. This was arranged after an annual plan submission by the University of Otago promoting a closer working relationship on matters of mutual interest, such as research projects. The topics presented by the University included Green Hydrogen, Climate Change revegetation programme and Otago Energy Centre.
- Along with Sylvie Leduc we spoke to the ORC submission to the Environment Select Committee for hearings on the Natural and Built Environment Bill, exposure draft. (RM Reform).
- Cr Kelliher and I visited Robbie Dick - Wormworx in Cromwell. He is considering applying for funding from MPI as he sees opportunities to expand his business into the dairy sector particularly using worms to break down dewatered dairy effluent waste. I have said to him I would be happy to provide a letter of support when he approaches MPI. Unfortunately, Robbie will have to vacate the leased site where he's currently operating, with the lease expiring in two years' time.

#### RECOMMENDATION

*That the Council:*

- 1) **Notes this report.**

**ATTACHMENTS**

1. Marlborough District Council-hosted LGNZ Annual Conference and Regional Sector Group District Tour 2021 [9.1.1 - 2 pages]
2. Hon Michael Wood - thank you for letter dated 9 March 21 seeking government assistance to fund Queen [9.1.2 - 2 pages]
3. Letter of Support Dunedin Tracks Network Trust application to Lottery Fund [9.1.3 - 1 page]
4. Mayor Hawkins DCC re South Dunedin Harbourside Collaboration [9.1.4 - 1 page]

**Marlborough District Council-hosted LGNZ Annual Conference and Regional Sector Group District Tour 2021**

The three days leading up to the LG Conference Marlborough District Council hosted a tour of their district for Regional Councils representatives.

Main drivers of the Marlborough economy are wine, aquaculture, tourism, forestry and construction. There is an estimated 27,000 hectares of vineyards with another 5000 ha of land suitable for conversion.

Marlborough accounts for 20% of NZs entire coastline, the climate is variable particularly rainfall, with North Marlborough receiving 2600mm and in the Southern part only 600mm of rain per annum.

It's become a unitary Council in 1992 combining functions of both a District and Regional Council.

Proposed Marlborough Environment Plan pulls together an RPS and two Resource Management plans that had historically provided the planning framework. Approximately a 3 million cost so far.

We were visited many different sites including wineries, the Southern Valley Irrigation Scheme, Wairau River Flood Protection Scheme, Mussel Farm - Shakespeare Bay, King Salmon - Ruakaka Bay, Seasonal Worker Accommodation and the Marlborough Research Centre.

The research centre was operated by a Trust, their goal connecting research innovation and business with an aim to improve the regional economy.

Environmental challenges for the region include dealing with the large volumes (70 Olympic pools annually) of grape Marc, the sludge of skins, seeds and stalks, once dried it can be used for animal feed however causes an increase in animal methane, other uses are being explored.

LGNZ Conference, the theme was Reimagining Aotearoa - community up.

Main focus were the reforms, three water, resource management and future of local government. The so-called once in a generation reform programme creating opportunities however more concerning creating uncertainty. The Government seems willing and keen to build a stronger partnership with Local Government and for us to gain best value we need to be in the game as a player rather than shouting from the sidelines as an observer.

The Prime Minister, Ministers of Local Government, Minister for Infrastructure and Finance all spoke about the long period of time, where there has been a legacy of under investment in particular the three waters space. They all reinforced that three water assets and water in general will remain in public ownership. Partnership agreements with Local Government to work through the difficult conversations were critical. Local voices matter.

The Government announced a 2.5 billion support package for Councils as part of the Three-water reform.

The LGNZ sector is keen to see the new operating model for critical infrastructure that the Government are promoting to help underpin Local Government work. Council engagement with local communities needs considerable effort during the next 8 weeks to understand the merit of reform (mid July to mid September), no easy task for District and City Councils, discussions should remain non-political.



A number of awards were presented at the Conference Dinner, the Fulton Hogan excellence award was won by Opotiki - Harbour Transformation Project, the excellence award for contribution to LG during COVID 19 was won by Auckland Council.

Next year's LGNZ conference will be held in Palmerston North City.

## Hon Michael Wood

MP for Mt Roskill

Minister of Transport

Minister for Workplace Relations and Safety

Deputy Leader of the House



Andrew Noone  
Chairperson  
Otago Regional Council  
70 Stafford St  
Private Bag 154  
**DUNEDIN 9054**



Dear Andrew Noone,

Thank you for your letter dated 9 March 2021 seeking Government assistance to fund the Queenstown Public Transport business case.

I appreciate the pressure councils are facing to support their communities during these unprecedented times. I recognise the recovery period of COVID-19 still presents challenges for councils to provide their local share of transport activities amongst other priorities.

While I support the public transport detailed business case, the primary central government funding source to support such a project would be the National Land Transport Fund (NLTF). The NLTF is managed by Waka Kotahi NZ Transport Agency (Waka Kotahi), and it has statutory independence in developing a National Land Transport Programme that best gives effect to the Government's transport priorities. It is the Waka Kotahi Board's decision as to how it invests the NLTF, and as Minister I am unable to direct specific projects to be funded.

The current funding arrangements for the use of the NLTF are long-standing, based on the principle of co-investment between councils and the NLTF. I have confidence the system allocates NLTF investment equitably across New Zealand. As with local government funding, the NLTF is under significant pressure in maintaining and improving New Zealand's transport system. There is little flexibility to change funding rules without increasing the fuel excise duty and road user charges we collect from New Zealanders.

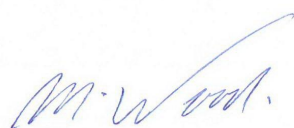
Where the Crown has previously provided funding for the council share of projects, this has been under larger programmes or funds such as the Urban Cycleways Programme or the Provincial Growth Fund. Such funds provide equal opportunity for all regions and projects, rather than one-off decisions to fund specific projects. There is currently no eligible fund from which the council share of the Queenstown Public Transport business case could be funded. Given relatively tight Budget Allowances that have been set for Crown expenditure over the next year, I cannot commit to any future Crown funding that could fund the local share of a project like this one.

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand  
+64 4 817 8731 | m.wood@ministers.govt.nz | beehive.govt.nz

This Government is supportive of enhancing public transport services in Queenstown, and is already investing directly in it as part of the New Zealand Upgrade Programme. Last year, \$90 million of Crown funding was allocated to projects for Queenstown on State Highway 6 and State Highway 6A, between Ladies Mile, Kawarau Falls Bridge, and the town centre. This will deliver new bus lanes and a new bus hub, which will provide better access and greater choice for Queenstown residents and visitors travelling via public transport.

I encourage you to continue to work with Waka Kotahi to progress the Public Transport business case.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Wood'.

Hon Michael Wood  
**Minister of Transport**

Our Ref: A1506147

26 July 2021

TO WHOM IT MAY CONCERN

Dear Sir/Madam

**Letter of Support – Dunedin Tracks Network Trust**

The Otago Regional Council would like to provide this letter of support for the Dunedin Tracks Network Trust for the Coastal Communities Cycle Connection.

The Otago Regional Council recognises the importance of an integrated regional cycle network; it is important for local economies, community wellbeing, and connectivity between communities.

We support the Dunedin Tracks Network Trust application to the Lottery Community Facility Fund and ask that you please consider their application favourably.

Kind regards

Cr Andrew Noone  
**Chairperson**

Our Ref: A1506178

26 July 2021

Mayor Aaron Hawkins  
Dunedin City Council  
PO Box 5045  
Dunedin 9054  
Email: [mayor@dcc.govt.nz](mailto:mayor@dcc.govt.nz)

Dear Aaron

**South Dunedin and Harbourside Collaboration**

The Otago Regional Council (ORC) continues to focus on technical work and developing a better understanding of the physical environment across South Dunedin and Harbourside.

ORC and DCC staff have progressed discussions around a joint programme of work, however, there is no fully integrated programme of work with formally agreed objectives and shared resources.

Having a fully integrated ORC/DCC programme of work, and a joint governance structure, would improve alignment of objectives, sharing of resources, and improve alignment of decision-making.

Please contact my Personal Assistant Janice Coldicott, email: [janice.coldicott@orc.govt.nz](mailto:janice.coldicott@orc.govt.nz) to arrange a time to discuss.

I look forward to meeting with you in the near future to discuss this important collaboration.

Kind regards

Cr Andrew Noone  
**Chairperson**

## 9.2. Chief Executive's Report

**Prepared for:** Council  
**Activity:** Governance Report  
**Author:** Sarah Gardner, Chief Executive  
**Date:** 19 August 2021

### KEY MEETINGS ATTENDED

- 24 June – Three Waters update to Mayors, Chairs and Chief Executives (Zoom)
- 25 June – Three Waters Steering Group (Zoom)
- 28 June – Three Waters Steering Group (Zoom)
- 30 June – opening speaker at the ORC Rural Bankers Forum where I gave an update on ORC activity for the rural banking professionals of Otago Regional Council
- 30 June – South Island Regional Councils Governance Group (Zoom)
- 1 July – Future for Local Government workshop
- 2 July – Three Waters Reform meeting with Minister Mahuta
- 5 July – Met with Otago Fish and Game Chief Executive
- 6 July – Mana to Mana
- 6 July – Navigational Safety Special Interest Group meeting – attended as Sponsor for the SIG (Zoom)
- 6 July – Port Otago Liaison Working Group briefing
- 7 July – Lake Onslow Pumped Hydro Storage briefing from Prof Earl Bardsley; Implementation Committee; Strategy and Planning Committee
- 8 July – Three Waters question and answer webinar
- 8 July – Three Waters update to Mayors, Chairs and Chief Executives (Zoom)
- 12 July – Three Waters Steering Committee – LGNZ Pre-conference update (Zoom)
- 13 July – Port Otago 2021 Materiality Process Interview
- 14 July – met with Regional Director from Kāinga Ora
- 20 July – Key Risk Analysis workshop
- 21 July – met with Tony Gray and Stephen Esposito from Ravensdown
- 21 July – catch-up with Cr Calvert on Transport
- 22 July – Three Waters update to Mayors, Chairs and Chief Executives (Zoom)
- 23 July – Three Waters Steering Group pre-briefing (Zoom)
- 26 July – Three Waters Steering Group (Zoom)
- 26 July – South Island Regional Councils' CEOs (Zoom)
- 27 July – ELT Q&A with all staff
- 28 July – briefing from Chair Noone and Cr Malcolm on their meetings with Manuherehia stakeholders and expectations for upcoming workshop
- 28 July – catch-up with Cr Hobbs on Diversity and Inclusion
- 28 July – Transport workshop pre-discussion with Councillors
- 4 August – Ngai Tahu – Progressing the Takiwa Approach (Zoom)
- 4 August – Manager Consents and I met with Adam Feeley, Lauren Semple, Ken Gimblett, Nick Fulley and Rachel Murdoch re New Dunedin Hospital Consenting
- 5 August – breakfast catch-up with CEO of DCC
- 5 August – met with Unispace reps re modern workspace design concepts

- 5 August – General Manager Operations and I met with CE of GO Bus
- 5 August – Three Waters update to Mayors, Chairs and Chief Executives (Zoom)
- 6 August – Cr Forbes (Zoom), Cr Wilson, Cr Hobbs, General Manager Operations and I met with Dr Roydon Somerville and University research staff
- 9 August – catch-up with Chair Noone and Cr Robertson on Manuherekia (Zoom)
- 9 August – Three Waters webinar for elected members (Zoom)
- 9 August – Regional Sector Sub-Group meeting to feedback to authors of Sector Strategic Directions for Review of Future of Local Government consideration
- 9 August – RTPP discussion with DCC Councillors and CE and ORC Councillors
- 10 August – General Manager Operations and I met with Andrew Ritchie (CEO), and Regional Manager for Dunedin and Queenstown (Ritchies) re public transport
- 11 August – Governance, Comms and Engagement Committee; Strategy and Planning Committee
- 12 August – Workshop day – Strategy and Planning Committee briefings/workshops
- 13 August – met with Alex Parmley, new CEO of Waitaki District Council in Oamaru
- 16 August – catch-up with James Caygill new Regional Director for Waka Kotahi
- 16 August – joint Aukaha/ORC ELT catch-up prior to Mana to Mana meeting
- 16 August – Regional Sector Sub-Group meeting re Sector Strategic Directions finalisation re LG Futures report (Zoom)
- 20 August – Three Waters Steering Group meeting (Zoom)
- 23 August – Three Waters Steering Group meeting (Zoom)

## RECOMMENDATION

*That the Council:*

- 1) **Notes this report.**

## DISCUSSION

### Public Transport

- [1] The General Manager Operations and I have recently met with both the Chief Executive of Go Bus and the Chief Executive and Queenstown-based Regional Manager for Ritchies. These discussions were a valuable opportunity to explore our current level of service, the nature of complaints, and the overall success of our public transport system and its delivery.
- [2] As Councillors have recently been raising concerns about complaints related to public transport, it was useful to discuss the complaints resolution process, our complaints issues versus the level of complaints in other parts of New Zealand, and the opportunities we have overall to improve patronage in both Dunedin and Queenstown.
- [3] Both operators were very receptive to the discussion, gave us a confidence around how complaints are managed, and were open to building on our existing relationship.
- [4] In addition, I also had a discussion with James Caygill who has taken up the Regional Director role for Waka Kotahi. We focused on the strategic opportunities for improvements in transport networks across the region, the current discussion about the State Highway and the lane direction consideration that aligns with the Dunedin hospital

rebuild, the relationship between place making and changes to behaviour around public transport uptake and mode shift and fare structures.

- [5] Of course most latterly we have been in level four lockdown and on the first day of lockdown our public transport patronage in Dunedin was down 94% and 91% in Queenstown.

#### **Joint Executive Leadership Team and Aukaha Leadership Team Meeting**

- [6] Recently the leadership teams of ORC and Aukaha met as is a new practice in the weeks before a Mana to Mana meeting. The opportunity to discuss our partnership, shared interests and issues, and to explore further potential for partnering was on the agenda. In particular we discussed the way we are partnering together on the ORC work programme, the potential for partnering in the future on environmental monitoring, and the current work programme and conclusions for the Manuherekia catchment.
- [7] A key area of work for the future that will take shape in the next six months is to establishing initiatives to support capacity and capability building to deepen our partnership and understanding operationally. This is likely to include a programme focused on bringing in graduate talent to both organisations for mutual benefit. This is in addition to current thinking being done at a Regional Sector level that isn't necessarily the best fit for our particular partnership with Kai Tahu.
- [8] The second area that we are about to initiate work on will include partnership on the cultural narrative for our new Dunedin Headquarters. This will build on the gifts and blessings we have had in our existing chamber and buildings and is in recognition of the significance of the location of our new building, which is very close to Toitu, a site of cultural significance in Dunedin. We will have a representative of Aukaha working with our internal project team for the building to ensure we represent the cultural heritage and partnership that exists between us.

#### **COVID-19 Delta Outbreak**

- [9] At the time of writing we are in level four lockdown for three days, however given case numbers are rising, we are planning for a longer lockdown period.
- [10] The speed at which lockdown occurred provided a limited window for preparation, however as we have operated with a Continuity Management Team in place since 2020, it was possible to immediately stand that team up and implement initial arrangements and revisit planning for a longer lockdown period.
- [11] Over the initial three days we have evaluated our risks and determined that it is highly unlikely that staff will need to deploy into the field. Hence all staff are working from home except a small number who have not been able to access their equipment since lock down began. We will address that situation if lockdown is extended.
- [12] In addition we have a watching brief with Emergency Management Otago but as yet there has been no need to activate our Emergency Coordination Centre. We may be advised that this is required if the situation is prolonged to either provide support to Health, because we have issues across the region, or because welfare needs cannot be delivered without CDEM support.



- [13] The Local Government COVID Response Unit is active and providing regular updates to us, and this is where we will receive any special advice about our operations, orders in place, and provisions made to ensure we can legally perform some duties. For the most part the arrangements for our previous lockdowns have stood up for this period.
- [14] Public transport is of course a key essential service that we will continue to deliver for the lockdown period. Official advice is not yet available about how to manage fares, however, we are taking and have instructed our contractors to be pragmatic in this regard. We expect further advice from government if lockdown is extended.
- [15] Given that Delta is a more contagious variant of COVID-19 and that not all of our staff have been able to access vaccinations, we will have to overlay that when considering staff health and wellbeing in terms of the decisions we make about deployment during lockdown and what is an essential service. Those considerations are underway at the time of writing.

Sarah Gardner  
**Chief Executive**

**ATTACHMENTS**

Nil

**10.1. Notice of Motion - Weekly meetings between Chief Executive, Chair and Deputy Chair**

**NOTICE OF MOTION – WEEKLY MEETINGS BETWEEN CHIEF EXECUTIVE, CHAIR AND DEPUTY CHAIR**

**EXECUTIVE SUMMARY**

In accordance with Standing Order 27.1, a Notice of Motion has been received from Cr Michael Laws for inclusion on the agenda for the Council Meeting being held on Wednesday, 25 August 2021. This is attached.

**ATTACHMENTS**

1. Notice of Motion: Weekly Meetings between Chief Executive, Chair and Deputy Chair  
**[10.1.1 - 1 page]**

NOTICE OF MOTION: FOR 25 AUGUST COUNCIL MTS.

That the CE, Chair & Deputy,  
 Chair of the ORC have a  
 scheduled meeting every  
 Monday for the purpose of  
 reviewing ORC operations  
 and reviewing ORC policy-  
 making and operational procedures  
 where as required; and that  
 the Chair report progress on  
 any relevant issues discussed  
 or canvassed to the governance team.

Moved: C Lewis  
 Seconded: C Smith.

**10.2. Notice of Motion - Manuherekia Flows**

**NOTICE OF MOTION – MANUHEREKIA FLOWS**

**EXECUTIVE SUMMARY**

In accordance with Standing Order 27.1, a Notice of Motion has been received from Chairperson Andrew Noone and Councillor Hilary Calvert for inclusion on the agenda for the Council Meeting being held on Wednesday, 25 August 2021. This is attached.

**ATTACHMENTS**

1. Notice of Motion: Manuherekia Flows [**10.2.1 - 3 pages**]

## Explanation to accompany Notice of Motion

ORC staff, ably led by our Chief Executive, have made a superb job of informing us of the extensive knowledge they have collected and researched concerning the way forward in our journey towards notification of our proposed Land and Water Plan.

Through staff we have received summaries of input from community feedback, hydrological and ecological data, resource management advice and a report from the Manuherekia Working Group. Importantly we had the opportunity to hear from Kai Tahu about their thinking thus far.

Council has begun our journey towards thinking about where we can assist through non regulatory processes and support.

We have also been advised of the input from others including The Central Otago Environmental Society and territorial authorities.

We have received advice from the Department of Conservation and Fish and Game.

These various and wide ranging views are generally agreed on a variety of issues, set out eloquently by the Department of Conservation which in summary is as follows.

Minimum flows in the Manuherekia mainstream should:

1. Meet the requirements of the NPSFM 2020.
2. Be demonstrated by science to meet values advocated by Te Papa Atawhai.
3. Be part of a wider environmental flow regime.



There is also widespread support for the proposal that any flow regimes should develop over a transition period as we understand better the effects of increased flows on the river and habitats.

The advice from the various groups provided made it clear that we need to continue work on the science. We will need to propose a minimum flow to begin the transition, and there is confidence that this will be available in time to add in to the Land and Water Plan when it is required ie in time for notification prior to the end of 2023. This is also expected to be available in time to feed in to allocations which are a crucial part of the flow regime in the Plan.

There is also a confidence among parties and stakeholders who have provided feedback that support for a regime is likely so long as it is supported by the science. That widespread support will be crucial, especially since the resource consent renewals are in different stages for different water takes, and any regime will need to have the cooperation of those who already have consents.

We have been fortunate to have the dedication of our staff along this journey, and we cannot thank them enough for their shepherding of us through the proposes towards notifying this plan.

We propose that the following Notice of Motion be considered at the Council meeting to be held on the 25th of August 2021.

Council resolves as follows:


1. To receive the report provided by staff on the Manuherekia flows.
2. To thank staff for the work carried out so far in our Land and Water Plan journey.
3. To acknowledge the direction of travel on this journey.
4. To accept that the science which will be developed further will provide crucial information on which to base minimum flows and a staged transition to achieve a healthy river with restored mauri. This science is to



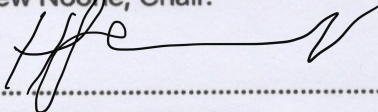
include: A. Hydrological model formal peer review documentation. B. The Cawthron drift study reports (2) have opposite conclusions which raise suspicions as to their validity. These contradictions need to be resolved. C. A report is required documenting the modelling completed by staff, specifically outlining the methods, results and limitations the model may have. D. A report documenting an assessment of minimum flows drawing on all available science. The Manuherehia Minimum Flow scenarios and assessment reports which underpin staff recommendations and public consultation presentations for ecological outcomes requires peer review. E. A technical report is required outlining the ecological science behind each of the tributary minimum flow recommendations. This report needs to be assessed by TAG and the TAG assessment provided to Council.

5. To thank our partners Kai Tahu and Aukaha for their input and acknowledge and look forward to further advice from it when the indicated additions to its science are forthcoming.
6. To acknowledge staff work towards non regulatory support with which the Council can be involved, and compliment staff for working towards these supports alongside the regulatory framework as an important part of the journey.
7. That Council note that the work requested in these recommendations will need to be prioritised causing some delay to the existing FMU work programme.

Signed:



.....  
Andrew Noone, Chair.



.....  
Hilary Calvert, Councillor

*That the Council excludes the public from the following part of the proceedings of this meeting (pursuant to the provisions of the Local Government Official Information and Meetings Act 1987) namely:*

| <b>General subject of each matter to be considered</b>                          | <b>Reason for passing this resolution in relation to each matter</b>  | <b>Ground(s) under section 48(1) for the passing of this resolution</b> |
|---|---|---|
| <i>1.1 Corrected Minutes of the 27 May 2021 public excluded Council Meeting</i> | <p>To protect the privacy of natural persons, including that of deceased natural persons – Section 7(2)(a)</p> <p>To protect information where the making available of the information— would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information – Section 7(2)(b)(ii)</p> <p>To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied – Section 7(2)(c)(i)</p> <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p> |   |
| <i>1.3 Minutes of the 23 June 2023 public excluded Council Meeting</i>          | <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p> <p>To maintain legal professional privilege – Section 7(2)(g)</p>  |   |



|  |  |  |
|--|--|--|
|  | To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)  |  |
| <i>4.1 Approve Recommendations Adopted by the 7 July 2021 public excluded Implementation Committee</i> | <p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities – Section 7(2)(h)</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) – Section 7(2)(i)</p> | Section 48(1)(a) - Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:<br>(a) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist. |

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