

Council Meeting Agenda - 24 November 2022

Meeting will be held in the Council Chamber at Level 2, Philip Laing House
144 Rattray Street, Dunedin
[ORC YouTube Livestream](#)



Members:

Cr Cr Gretchen Robertson, Chairperson	Cr Tim Mepham
Cr Lloyd McCall, Deputy Chairperson	Cr Andrew Noone
Cr Alexa Forbes	Cr Bryan Scott
Cr Gary Kelliher	Cr Alan Somerville
Cr Michael Laws	Cr Elliot Weir
Cr Kevin Malcolm	Cr Kate Wilson

Senior Officer: Pim Borren, Interim Chief Executive

Meeting Support: Dianne Railton, Governance Support Officer

24 November 2022 04:00 PM

Agenda Topic	Page
1. APOLOGIES No apologies were received prior to publication of the agenda.	
2. CONFIRMATION OF AGENDA Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
3. CONFLICT OF INTEREST Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
4. MATTERS FOR COUNCIL CONSIDERATION	3
4.1 SUBMISSION TO THE FRESHWATER PARTS OF THE PROPOSED OTAGO REGIONAL POLICY STATEMENT The paper is provided for Council to consider lodging a submission on the Freshwater Parts of the Proposed Otago Regional Policy Statement (pORPS)	3
5. RESOLUTION TO EXCLUDE THE PUBLIC 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 Chief Executive Recruitment - Next Steps	6
5.1 Public Exclusion Table	6

6. CLOSURE

4.1. Submission to the Freshwater parts of the proposed Otago Regional Policy Statement

Prepared for: Council
Report No. POL2208
Activity: Governance Report
Author: Anita Dawe, General Manager Policy and Science
Endorsed by: Anita Dawe, General Manager Policy and Science
Date: 24 November 2022

PURPOSE

- [1] For the Otago Regional Council to consider lodging a submission on the Freshwater Parts of the proposed Otago Regional Policy Statement (pORPS).

EXECUTIVE SUMMARY

- [2] Submissions on the freshwater parts of the proposed Otago Regional Policy Statement (pORPS) close on Tuesday 29 November 2022.
- [3] To properly inform a future Hearing Panel on the Freshwater Parts of the pORPS, it is advised that Council considers lodging a submission that sets out some information in relation to the modelling and limitations being undertaken to support the proposed Land and Water Regional Plan (pLWRP), and how they will implement the freshwater visions in the pORPS.

RECOMMENDATION

That the Council:

- 1) **Notes** this report.
- 2) **Notes** the main points to be considered for a submission.
- 3) **Decides** whether to lodge a submission.
- 4) **Authorises** any submission to be approved by the Chair, under delegated authority, and lodged by 29 November 2022.

BACKGROUND

- [4] As a result of the High Court declaration on whether the pORPS could be a freshwater instrument in its entirety, the pORPS was separated into freshwater and non-freshwater instruments. The freshwater instrument (those parts of the pORPS that supported the High Court declaration as relating to freshwater) were re-notified on 30 September 2022, with submissions closing at 3:00pm on Tuesday 29 November 2022.
- [5] In parallel with the pORPS, there is considerable work being undertaken on the proposed LWRP, including modelling work to inform and assist with delivering on the proposed freshwater visions.

DISCUSSION

- [6] Early iterations of modelling work being done by the Science team for periphyton shows that, under a Good Management Practice Scenario, and a Good Management Practice Plus Scenario, achieving freshwater visions by 2030 for the Upper Lakes rohe and Catlins FMU is potentially unlikely.
- [7] Staff understand that the freshwater visions are aspirational and modelling results should not be the only consideration of the content of the vision, but consider there is merit in enabling the Freshwater Hearing Panel to have some understanding of the modelling process that is informing the pLWRP.
- [8] Staff recommend that Council consider lodging a submission on the Freshwater Parts of the pORPS that outlines some or all of the following:
- a. The freshwater visions for the Catlins FMU and the Upper Lakes rohe are anticipated to be achieved by 2030.
 - b. Current modelling for periphyton for the two scenarios that ORC can support show that meeting draft target attribute states by 2030 is unlikely.
 - c. There is no recommended alternative date, and the submission allows for awareness for the Freshwater Panel.
 - d. If on ground mitigations, in addition to those included in the GMP and GMP + scenarios, are included in the pLWRP, then the visions are potentially still appropriate.
 - e. As modelling inputs are refined, future modelling results may show the visions are still appropriate.
- [9] Staff also note that no formal discussion has occurred with our iwi partners in relation to this topic. Given iwi aspirations for freshwater, any submission may conflict with their views and/or create challenges for the relationship.

OPTIONS

- [10] One option is for Council to lodge a submission on the pORPS that sets out some information in relation to the work informing the pLWRP. This would provide some context for the future Freshwater Panel when considering submissions to the pORPS.
- [11] Council could also elect not to lodge a submission noting that the freshwater visions are aspirational and additional measures can legitimately be included in any future regulatory plan.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [12] The pORPS is consistent with, and implements, many of the Strategic Directions, given that it sets out the significant resource management issues for the region and sets the direction for how they should be managed.

Financial Considerations

- [13] Lodging a submission on the freshwater parts of the pORPS will not incur costs outside of staff time. If evidence is required to be prepared for a future hearing, there may be additional expenditure if external consultant support is required but that should be able to be accommodated within existing budgets.

Significance and Engagement Considerations

[14] The Freshwater Parts of the pORPS are currently open for submissions. The full participatory process engages *He Rau Rika: Significance and Engagement Policy*, and is consistent with the policy.

Legislative and Risk Considerations

[15] The pORPS has been drafted in accordance with Section 59 of the Resource Management Act, and to give effect to all relevant national directions.

[16] There are no particular risk considerations associated with this paper.

Climate Change Considerations

[17] This is not relevant.

Communications Considerations

[18] Any submission lodged would be publicly available, in accordance with the provisions in the Resource Management Act 1991.

NEXT STEPS

[19] If a submission is to be lodged, staff will draft the submission and provide it to the Chair for endorsement, before lodging on or before 3:00pm on Tuesday 29 November 2022.

ATTACHMENTS

Nil

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under [section 48\(1\)](#) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

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 <i>Chief Executive Recruitment – Next Steps</i>	Section 7(2)(a) - To protect the privacy of natural persons, including that of deceased natural persons.	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: (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 shown above.