

# Council Meeting - 26 July 2023

Meeting held in the Council Chamber at Level 2, Philip Laing House, 144 Rattray Street, Dunedin and livestreamed to the [ORC YouTube Channel](#)



## Members:

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: Richard Saunders, Chief Executive

Meeting Support: Trudi McLaren, Governance Support Officer

26 July 2023 10:00 AM

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2. APOLOGIES	
3. PUBLIC FORUM	
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.	
Mr Pierre Marasti - Extinction Rebellion	
4. CONFIRMATION OF AGENDA	
Note: Any additions must be approved by resolution with an explanation as to why they cannot be delayed until a future meeting.	
5. DECLARATION OF INTERESTS	
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. The <a href="#">ORC Councillor Register of Interests</a> is published to the website.	
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8.2	<b>SUBMISSION ON CLIMATE CHANGE COMMISSION'S ADVICE</b>	23
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## Council MINUTES

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**Minutes of an ordinary meeting of the Otago Regional Council held in the Council Chamber, Level 2 Philip Laing House, 144 Rattray Street, Dunedin on Wednesday 28 June 2023, commencing at 10AM**

**PRESENT**

Cr Gretchen Robertson *(Chairperson)*  
Cr Lloyd McCall *(Deputy Chairperson)*  
Cr Alexa Forbes  
Cr Gary Kelliher (online)  
Cr Michael Laws (online)  
Cr Kevin Malcolm  
Cr Tim Mepham  
Cr Andrew Noone  
Cr Alan Somerville  
Cr Elliot Weir  
Cr Kate Wilson



## 1. WELCOME

Chairperson Cr Gretchen Robertson welcomed Councillors, members of the public and staff to the meeting at 10:00am with a karakia to open the days meetings and extended a special welcome to Richard Saunders attending his first Council meeting as Chief Executive.

Staff present included Richard Saunders (Chief Executive), Nick Donnelly (GM Corporate Services), Anita Dawe (GM Policy and Science), Gavin Palmer (GM Operations), Jo Gilroy (Acting GM Regulatory), Amanda Vercoe (GM Governance, Culture and Customer), Andrea Howard (Manager, Executive Advice) Kylie Darragh (Governance Support)

## 2. APOLOGIES

**Resolution: Cr McCall Moved, Cr Noone Seconded:**

*That the apologies for Cr Scott and Cr Kelliher (for lateness) be accepted.*

**MOTION CARRIED**

## 3. PUBLIC FORUM

Pierre Marasti from Extinction Rebellion spoke to the Council on Climate Change and answered questions from the Councillors.

10:07am Cr Kelliher joined the meeting.

## 4. CONFIRMATION OF AGENDA

**Resolution: Cr Noone Moved, Cr Wilson Seconded**

That the addition of the two late papers: Extension to Unit 5 Contract and the public excluded paper on the Port of Otago Director Appointment be accepted to the agenda for this meeting due to funding timeframes.

**MOTION CARRIED**

## 5. DECLARATIONS OF INTERESTS

No changes to Councillor Declarations of Interests were noted.

## 6. CONFIRMATION OF MINUTES

**Resolution: Cr Wilson Moved, Cr Noone Seconded**

*That the minutes of the (public portion of the) Council meeting held on 26 April 2023 be received and confirmed as a true and accurate record.*

**MOTION CARRIED**

**Resolution: Moved, Cr Wilson, Cr Noone Seconded**

*That the minutes of the (public portion of the) Council meeting held on 24 May 2023 be received and confirmed as a true and accurate record.*

**MOTION CARRIED**

## 7. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Open actions from resolutions of the Committee were reviewed. Updates noted:

1. CM23-162 (SPS2312) The Chairperson has written to the Minister for Environment seeking the extension to the issue decisions on the non-freshwater parts of the pORPS2021 until 31 March 2024.
2. CM23-168 (GOV2318) The application to the Super Engaged Award category in the LGNZ's 2023 Super Local Awards programme has resulted in a finalist announcement for the Otago Regional Council which Chair Robertson described as a fantastic result and a culmination of a lot of good work in intensive winter grazing including iwi partnerships as an important factor, Jo Gilroy and staff were praised for their work.

## 8. MATTERS FOR CONSIDERATION

### 8.1. Freshwater Farm Plans

The report provided an update on the Freshwater Farm Plans (FWFPs) and sought approval to the phased rollout approach for the Otago region. Joanna Gilroy (Acting General Manager Regulatory) Libby Caldwell (Manager Environmental Implementation) and Tom Dyer (Manager Science) were available to answer questions.

#### **Resolution CM23-174: Cr Malcolm Moved, Cr Weir Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Endorses** the phased rollout approach to FWFPs as set out in Table 1 titled 'Proposed phasing order for Otago'.

#### **MOTION CARRIED**

### 8.2. Integrated Catchment Management Catlins Integrated Catchment Group Terms of Reference

An update on the progress on the Integrated Catchment Group programme was discussed and approval was sought for a proposed Terms of Reference. Anna Molloy (Principal Advisor Environmental Implementation) Libby Caldwell (Manager Environmental Implementation) and Gavin Palmer (General Manager Operations) were available for questions.

#### **Resolution CM23-175 Cr Wilson Moved, Cr Noone Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Approves** the proposed Terms of Reference for the Catlins Integrated Catchment Group.

#### **MOTION CARRIED**

### **8.3. Further policy guidance from the Governance Group for developing the Land and Water Regional Plan**

The Chief Executive informed the Council as part of the process some councillors were currently undertaking regarding management of potential conflicts of interest, this paper had been reviewed and the decisions in this paper were checked for everyone to participate in. However, councillors still needed to manage their individual participation in discussions that might arise in course of considering the paper carefully.

The report provided a summary of the feedback and policy guidance on regionwide issues obtained from Councillors and Iwi representatives during Governance Group and Environmental Science and Policy Committee workshops to inform the proposed Land and Water Regional Plan. Anita Dawe (General Manager Policy and Science) presented with Fleur Matthews (Manager Policy and Planning, online) and Danielle Korevaar (Senior Resource Management, Incite, online). Philip Maw from Wynn Williams was present for any legal questions also.

#### **Resolution CM23-176: Cr McCall Moved, Cr Weir Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** the policy guidance received by the Governance Group and the Environmental Science and Policy Committee for:
  - a. setting of take limits and environmental flows for rivers
  - b. phasing out of over-allocation
  - c. setting of take limits and environmental levels for lakes
  - d. developing interim target attribute states
  - e. managing key contaminant discharges associated with farming activities and practices
  - f. managing plantation forestry and carbon forestry

#### **MOTION CARRIED**

*Cr Forbes left the meeting at 11:17 am.*

*Cr Forbes returned to the meeting at 11:20 am.*

### **8.4. Recommendations on Land and Water Regional Plan Governance through to notification**

The paper set out options for managing both the process and the content of the proposed Land and Water Regional Plan (pLWRP) until Council decides on public notification in June 2024. Anita Dawe (General Manager Policy and Science) and Fleur Matthews (Manager Policy and Planning, online) were available to respond to questions.

#### **Resolution CM23-177: Cr Wilson Moved, Cr Noone Seconded**

There were amendments to the original recommendation, Cr Laws called for a division, and it was moved by Cr Wilson:

*That the Council:*

- 1) **Notes** this report.
- 2) **Directs** the Land and Water Regional Plan Governance Group to refocus its functions and scope to the following two matters
  - a. *project management including risk oversight, and*
  - b. *to ensure implementation of Te Mana o te Wai; and*

- 3) **Notes** the Governance Group will comprise 6 members - being Chair Robertson, and Councillors Noone and McCall, two Ōtākou runaka members and one Murihiku member.
- 4) **Directs** staff to amend the Terms of Reference for the Land and Water Regional Plan Governance Group to reflect the decisions made in this paper.
- 5) **Decides that** the LWRP Governance Group has a dedicated chair Cr Robertson and an alternative Edward Ellison

For:	Cr Forbes, Cr McCall, Cr Mephram, Cr Noone, Cr Somerville, Cr Weir, Cr Wilson, and Cr Robertson
Against:	Cr Kelliher, Cr Laws, Cr Malcolm
Abstained:	Nil

**MOTION CARRIED 8 to 3**

**8.5. Annual Report on Regional Climate Change Collaboration**

This is the first annual report updating Council on collaboration activities supporting regional leadership service measures on climate change. Andrea Howard (Manager Executive Advice) and Francisco Hernandez (Principal Advisor Climate Change) presented and there was an opportunity for discussion and questions on the report.

**Resolution CM23-178: Cr Somerville Moved, Cr Weir Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** that further engagement and collaboration activity is underway as part of the preparation for the Regional Climate Strategy.
- 3) **Notes** that a scoping document for the Regional Climate Strategy is coming to council in August, incorporating feedback from the recent workshop with Council.

**MOTION CARRIED**

**8.6. Otago Wellbeing Baseline Report**

The Otago Regional Council has engaged with Kōtātā Insight, Wellington, to develop a Wellbeing Framework to structure wellbeing measurement in Otago which was then analysed by Dot Loves Data to source indicators for the baseline report. Andrea Howard (Manager Executive Advice) James Adams (Senior Strategic Advisor) and Dot Loves Data staff Justin Lester (Director of Government) and Penny Coleman presented the report and answered questions.

**Resolution CM23-179: Cr Robertson Moved, Cr Wilson Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** that consultation on the wellbeing outcomes contained in the Framework will be embedded into the Long-term Plan consultation process.
- 3) **Notes** that wellbeing reporting is proposed to continue every three years, with minor annual updates where data is available.
- 4) **Requests** that the wellbeing baseline report be presented to the mayoral forum for further consideration.

**MOTION CARRIED**

**Cr Kelliher and Cr Laws opposed the recommendation.**

**8.7. Electoral System for 2025 and 2028 Local Body Elections**

Amanda Vercoe (General Manager, Governance, Culture and Customer) presented the report and responded to questions. The report explained the FPP and STV systems and provided the timeframe noting 12 September 2023 as the decision requirement deadline for local authorities. A division was called for and the resolutions were taken separately.

**Resolution CM23-180: Cr Weir Moved, Cr Wilson Seconded**

*That the Council:*

1) **Receives** this report.

For:	Cr Forbes, Cr Kelliher, Cr Laws, Cr Malcolm, Cr McCall, Cr Mepham, Cr Noone, Cr Somerville, Cr Weir, Cr Wilson, Cr Robertson.
Against:	Nil
Abstained:	Nil

**MOTION CARRIED**

**Resolution CM23-181: Cr Weir Moved, Cr Wilson Seconded**

*That the Council:*

2) **b. Agrees** to change electoral system to Single Transferable Vote for the 2025 and 2028 local body elections.

For:	Cr Forbes, Cr Somerville, Cr Weir, Cr Wilson, Cr Robertson.
Against:	Cr Kelliher, Cr Laws, Cr Malcolm, Cr McCall, Cr Mepham, Cr Noone
Abstained:	Nil

**MOTION FAILED 5 to 6**

**Resolution CM23-182: Cr Laws Moved, Cr Mepham Seconded**

*That the Council:*

3) **d. Agrees** to hold a poll as part of the 2025 elections to decide the voting system for the 2028 and 2031 elections

For:	Cr Kelliher, Cr Laws, Cr Malcolm, Cr Mepham, Cr Noone
Against:	Cr Forbes, Cr McCall, Cr Somerville, Cr Weir, Cr Wilson, Cr Robertson
Abstained:	Nil

**MOTION FAILED 5 to 6**

**Resolution CM23-183: Cr Somerville Moved, Cr Noone Seconded***That the Council:***2) Agrees to:**

*e. bring the paper back to the August 2023 Council meeting, and in the meantime undertake engagement with local territorial authorities and organise a workshop for councillors on electoral systems.*

For:	Cr Forbes, Cr Kelliher, Cr McCall, Cr Mepham, Cr Noone, Cr Somerville, Cr Weir, Cr Wilson, Cr Robertson.
Against:	Cr Malcolm
Abstained:	Cr Laws

**MOTION CARRIED 9 to 1****Resolution: Cr Robertson Moved, Cr Noone Seconded***That the Council:*

**1) Adjourns** for a short break.

**MOTION CARRIED****8.8. Rates Report and Rates Resolution**

The report provided detail of each of the rates to be set and recommended the adoption of the rates resolution for the 2023-2024 financial year. Sarah Munro (Finance Manager-Reporting) was available for questions.

**Resolution CM23-184: Cr Noone Moved, Cr McCall Seconded***That the Council:*

- 1) Receives** this report and the attached Rating and Sample Reports.
- 2) Adopts** the Rating Resolution for the 2023-24 financial year.

**MOTION CARRIED****8.9. May 2023 Budget Provision for Free & Half Price Public Transport Fares**

Lorraine Cheyne (Manager Transport) presented the paper as read and there was an opportunity for questions. The report advised council on approaches to implement the Government's policy extending the Community Connect concessionary fares policy in Otago. There was a small amendment to the recommendation before Cr Noone moved:

**Resolution CM23-185: Cr Noone Moved, Cr Weir Seconded***That the Committee:*

- a) Receives** this report.
- b) Notes** implementation of the Community Connect extension from 01 July 2023, thereby changing current fare for people aged 5 to 24; and those who use Total Mobility.
- c) Notes** the concessionary fare will apply to all Council-operated bus services across the region, but not the ferry in Queenstown.
- d) Notes** that the Government will cover the cost of fare revenue foregone under the scheme.
- e) Notes** risks of future unbudgeted costs if additional peak bus capacity is required, because of increases in demand from the free / cheaper fares.

- f) **Notes** that a policy assessment of free off-peak fares across the region will be reported to Council in August and will take account as much as possible of the implementation of the Community Connect extension.
- g) **Notes** that the outcome of the Dunedin Fares & Frequencies business case is due to be reported back to Council in August, and the preferred fares option will be inclusive of the full Community Connect scheme fares regime.

#### **MOTION CARRIED**

#### **8.10. Extension to Unit 5 Contract**

An extension to the expiry date of the Unit 5 Public Transport Services contract was sought in response to feedback from Waka Kotahi who have indicated this extension is a condition of approval to ensure the robust nature of procurement of zero emission vehicles. Lorraine Cheyne (Manager Transport) was available to respond to questions.

#### **Resolution CM23-186: Cr Wilson Moved, Cr Noone Seconded**

*That the Council:*

- 1) **Notes** this report.
- 2) **Approves** the extension to the contract to an expiry of 30 June 2025.

#### **MOTION CARRIED**

### **9. NOTICES OF MOTION**

None noted during this meeting.

### **10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS**

#### **10.1. Chairperson's Report**

#### **Resolution: Cr Malcolm Moved, Cr Noone Seconded**

- 1) **That** the report be noted.

#### **MOTION CARRIED**

#### **10.2. Chief Executive's Report**

#### **Resolution: Cr Noone Moved, Cr Mephram Seconded**

- 1) **That** the report be noted.

#### **MOTION CARRIED**

### **11. RESOLUTION TO EXCLUDE THE PUBLIC**

#### **Resolution: Cr Wilson Moved, Cr Noone Seconded:**

*I move that the public be excluded from the following parts of this meeting, namely:*

- Confidential minutes of the 24 May 2023 Council Meetings
- Appointment of Iwi Representatives to ORC Committees for 2023-2025
- Port of Otago Director Appointment

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:

<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>The Confidential Minutes of 24 May 2023</i>	<b>Section 7(2)(a)</b> 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.
<i>Iwi Representation to ORC Committees for 2023-2025</i>	<b>Section 7(2)(a)</b> 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.
<i>Port of Otago Director's Appointment</i>	<b>Section 7(2)(a)</b> 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.

**MOTION CARRIED**

3:15pm Cr Laws (online) left the meeting.

**12. CLOSURE**

There was no further business and Chairperson Robertson declared the public part of meeting closed at 3:15pm

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

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# Action Register



**Search Criteria**

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**Applied Filters**

**Start Meeting Date:** 1st Oct 2022

**End Meeting Date:** 27th Jul 2023

**Meeting Type:** Council

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Document	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
Council Meeting 2023.02.22	CS2304 Annual Plan 2023/24	Assigned	Have an independent efficiency review performed in FY 2023/24 to inform the Long-Term Plan process. <b>CM23-111</b>	Chief Executive, General Manager Transport		31/12/2023
Council Meeting 2023.03.22	GOV2306 Proposal to participate in CouncilMARK programme	Assigned	The Chief Executive will execute an agreement with CouncilMARK to undertake an independent assessment in 2023. <b>Res CM23-130</b>	Chief Executive		06/12/2023
Council Meeting - Confidential 2023.06.28	GOV2319 Appointment of Iwi Representatives to ORC Committees for 2023-2025	Reassigned to Council	Chair Robertson to write to rūnaka advising them of the outcome of Council's consideration and work with the representatives to issue a media release noting the appointments. <b>CM23-187</b>	Chairperson, General Manager Governance, Culture and Customer	<b>13/07/2023 General Manager Governance, Culture and Customer</b>  Runaka have been advised of the outcome and letters written to the individual members. Media release has also been prepared and timing for release is to be confirmed.	11/08/2023
Council Meeting 2023.06.28	SPS2313 Recommendations on Land and Water Regional Plan Governance through to notification	Assigned	Staff to amend the Terms of Reference for the Land and Water Regional Plan Governance Group as per the report SP2313 <b>CM23-177</b>	General Manager Policy and Science		21/07/2023
Council Meeting 2023.06.28	STG2305 Otago Wellbeing Baseline Report	Assigned	The Wellbeing Baseline report is to be presented to the Mayoral Forum for further consideration. <b>CM23-179</b>	General Manager Governance, Culture and Customer	<b>13/07/2023 General Manager Governance, Culture and Customer</b>  Next Mayoral Forum scheduled for 22 September 2023	22/09/2023

<p>Council Meeting 2023.06.28</p>	<p>GOV2321 Electoral System for 2025 and 2028 Local Body Elections</p>	<p>Assigned</p>	<p>Bring the paper back to the August 2023 Council Meeting, and in the meantime, undertake engagement with local territorial authorities and organise a workshop for councillors on electoral systems</p> <p><b>CM23-182</b></p>	<p>General Manager Governance, Culture and Customer</p>	<p><b>13/07/2023 General Manager Governance, Culture and Customer</b></p> <p>Informal workshop on STV/FPP was arranged for 13 July 2023.</p>	<p>18/08/2023</p>
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### 8.1. Updated Elected Member Remuneration Determination 2023/24

<b>Prepared for:</b>	Council
<b>Report No.</b>	GOV2323
<b>Activity:</b>	Governance Report
<b>Author:</b>	Amanda Vercoe, General Manager Governance, Culture and Customer
<b>Endorsed by:</b>	Richard Saunders, Chief Executive
<b>Date:</b>	26 July 2023

#### PURPOSE

[1] To note the 2023/24 Local Government Members Remuneration Determination.

#### EXECUTIVE SUMMARY

[2] The Remuneration Authority (the Authority) has undertaken its annual review of elected members' remuneration and allowances and issued its determination for local government elected members which applies from 1 July 2023 until 30 June 2024. The link is available [here](#).

#### Remuneration

[3] The Determination made no changes to the remuneration for Otago Regional Council councillors.

Otago Regional Council	
Office	Annual remuneration (\$)
Chairperson	152,881
Deputy Chairperson	84,869
Councillor with no additional responsibilities	65,000
Councillor (minimum allowable remuneration)	50,833

#### Allowances

[4] The 2023/24 Determination made the following changes to elected member allowances:

- a. Mileage increases to 95c / km (in line with the latest IRD rates)

[5] The ORC's Councillor Expenses, Reimbursements and Allowances Policy for 2023 is attached.

[6] Note no changes were made in the Determination for the ICT/Communications allowances. The rates in the Policy are lower than those in the Determination though due to Council choosing not to increase the rates in 2021.

#### RECOMMENDATION

*That the Council:*

- 1) **Notes this report.**
- 2) **Notes the Remuneration Authority's Local Government Members Determination 2023/24.**

- 3) **Adopts** the Councillor Expenses, Reimbursements and Allowances Policy for 2023 (with no changes).

## **CONSIDERATIONS**

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

- [7] Not applicable.

### **Financial Considerations**

- [8] Elected members remuneration is budgeted for in the governance budget.

### **Significance and Engagement**

- [9] Not applicable.

### **Legislative and Risk Considerations**

- [10] The Local Government Act 2002 provides for the Remuneration Authority to set the remuneration, allowances and expenses of regional chairs and other elected members.

### **Climate Change Considerations**

- [11] Not applicable.

### **Communications Considerations**

- [12] Not applicable.

## **NEXT STEPS**

- [13] Nil.

## **ATTACHMENTS**

1. Expenses Reimbursement and Allowances Policy July 2023 [8.1.1 - 3 pages]



## Expenses, Reimbursements and Allowances Policy July 2023

The following is the expenses regime for elected members of the Otago Regional Council.

### Principles

- Reimbursement of expenses incurred is available where required by virtue of membership for Council and Committee meetings, workshops, consent hearings, Council approved representation and Council organised events, and Chair-approved constituency activity including invitations from constituency groups, or general Council invitations.
- Claims are to be made by Councillors in the GO Expense claim system (GO). Expense claims will not be automatically generated by staff. Claims will be approved by the General Manager Corporate Services.
- When an expense claim is submitted in GO the Councillor certifies that the expenses are incurred on legitimate Council business in accordance with Council policy, that the amounts were incurred and paid for by the Councillor and no claim for reimbursement of any sum will be made from another source for these costs.
- Travel shall be shared where practicable. Whereby virtue of private arrangements a Councillor chooses not to utilise Council provided or shared travel, expenses shall not be reimbursed.
- Accommodation and travel arrangements to be made through the Governance Support Officers or Executive Assistant Governance, Culture and Customer.
- Basis of reimbursement is actual and reasonable.
- Claims are to be supported by itemised GST invoices / receipts.
- No alcohol can be claimed, with the exception being a Councillor required to do so as a hosting requirement and the expenditure is pre-approved by the Chairperson.
- Costs of spouse/partner accompaniment to be met privately.
- Where Council provided transport is available and not used, mileage allowance is not claimable.
- Claims for travel to be based on distance from normal residences, or such shorter distance as may be involved.
- Mileage is for travel in a private motor vehicle and by the most direct route that is reasonable in the circumstances.
- Travel time is to be by the quickest form of transport and most direct route that is reasonable in the circumstances.
- Claims should be made as soon as is practicable following the meeting or activity claimed for.





## Specific Considerations

### Hearing Fees

The amount payable to a Councillor who acts as Chair of a hearing panel is \$116 per hour. The amount payable to a Councillor who is a member of a hearing panel, but not the Chair, is \$93 per hour. Other conditions that apply to these payments including the hearings that apply and time that may be claimed are as determined by the Remuneration Authority.

### Motor Vehicle Mileage Allowance

The maximum motor vehicle mileage allowance authorised by the Remuneration Authority will be paid for qualifying travel.

### Travel Time Allowance

A travel time allowance as authorised by the Remuneration Authority will be paid for qualifying travel.

### Communications

- iPads (or a similar device of Council's choice) will be supplied to each Councillor, with an appropriate data connection. Ownership is retained by the Council.
- An appropriate printer will be supplied on request for the use of each Councillor. Ownership is retained by Council. Cost of reasonable consumables for Council use to be met by the Council.
- Where a Councillor prefers to utilise their own equipment, allowances are available as per the Remuneration Authority's 2023/24 Determination. This equipment and internet connection must be of a standard acceptable to Council.
- A communication allowance of \$550 per annum will be paid as per the Remuneration Authority's 2023/24 Determination. This covers:
  - use of personal mobile phone equipment \$150,
  - use of a member's own mobile phone service (call and data costs) \$400.
- The communications allowance will be paid 6-monthly in arrears (in April and October).

### Childcare allowance

A childcare allowance as authorised by the Remuneration Authority will be paid when a member is engaged on qualifying Council business. Claims are to be on an actual reimbursement basis and supported by itemised GST invoices / receipts.

### Incidental Costs

Incidental costs such as accommodation, meals, parking, fares and other such costs incurred on Council business are recoverable on an actual and reasonable basis. Such claims are to be supported by itemised GST invoices / receipts and approved by the Chief Executive or General Manager Corporate Services. As stated in the Principles, it is Council's preference that accommodation and travel arrangements are booked by Council through the Governance Support Officers or Executive Assistant Governance, Culture and Customer.



Where a Councillor chooses to stay privately when otherwise Council provided accommodation would be provided, an allowance of \$65 per night is payable.

#### **Unforeseen Expenses and Costs**

Any unforeseen expenses or costs of any Councillor related to Council activities (except for constituency work which must be approved by the Chairperson) may be reimbursed at the discretion of the Chief Executive or General Manager Corporate Services.

#### **Chairperson**

In recognition of the Chairperson's wider Council role, the following additional entitlements are available:

- Provision of a Council vehicle in accordance with the Remuneration Authority's use formula.
- Provision of a cell phone including call and data costs (if this is taken up, the communications allowance outlined above is not applicable).
- Membership of Air New Zealand Koru Club.

## 8.2. Submission on Climate Change Commission's Advice

Prepared for: Council

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Report No. STG2304

Activity: Community: Governance & Community

Author: Francisco Hernandez, Principal Advisor Climate Change

Andrea Howard, Acting Manager Strategy

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

Date: 26 July 2023

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### PURPOSE

- [1] To request that the Council note a submission from Otago Regional Council on He Pou a Rangi/The Climate Change Commission's (the Commission) "2023 Draft Advice for Consultation" document (the draft advice.)

### EXECUTIVE SUMMARY

- [2] The Commission released a consultation document on 26 April 2023 on its draft advice to Government to set the policy direction for the next Emissions Reduction Plan. Councillors were briefed at a workshop on 25 May 2023 and asked whether the Council should prepare a submission or not. Council agreed and staff drafted a submission with Council's Submissions Working Group. The submission was lodged on 20 June 2023.

### RECOMMENDATION

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** the submission to the Climate Change Commission (Attachment 1).
- 3) **Notes** that the Commission's final advice is due on 31 December 2023.

### BACKGROUND

- [3] The Climate Change Commission was established by the Zero Carbon Act<sup>1</sup> as a crown entity to provide independent advice on the policy direction for climate change mitigation and adaptation in New Zealand and to monitor the progress and efficacy of the Government's response.
- [4] In February 2021, the Commission released its first-ever draft advice which the ORC submitted to with Council approving the submission at the [24 March 2021](#) Council meeting. ORC's submission supported the direction of travel the advice set out, asked for more tools to allow information at the regional level, highlighted the importance of Central-Local Government partnerships and outlined ORC's commitment to taking a leadership role to assist communities in Otago prepare for, and adapt to the impacts of climate change.

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<sup>1</sup> <https://www.legislation.govt.nz/act/public/2019/0061/latest/LMS183736.html>

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- [5] The final [advice was released](#) in May 2021 and tabled in Parliament for discussion with a cross-partisan majority in Parliament (including the National and Labour parties) passing the recommended emissions budgets from 2022-2035.
- [6] In 2022 the Government outlined how it was going to achieve these emissions budgets through the Emissions Reduction Plan which outlined initiatives across industries in New Zealand from agriculture to transport to waste.
- [7] The Climate Change Commission released advice on [26 April 2023](#) with the draft advice to the government intended to set the direction of the next Emissions Reduction Plan.
- [8] Due to the timeframes between Council approving a submission and the deadline of the submission, the submission is presented here retrospectively.

## **DISCUSSION**

- [9] A briefing was provided to Councillors as part of the 25 May 2023 Climate Change Workshop. This briefing outlined the updated advice on a sector-by-sector basis. It also highlighted the Climate Commission's recommendations and identified areas where Council might wish to focus attention on when drafting a submission. Councillors agreed to progress a submission with staff drafting a submission and receiving Councillor input and sign off through Council's Submissions Working Group.
- [10] Councillor written feedback included: clarifications of ORC's interest across the different sectors identified in the Commission's recommendations, an explicit call to prioritise indigenous forestry, support for small scale renewable generation, support for regional routes, support for circular economy actions that reduce waste generation and a suggestion to the climate commission that they take a more vocal role in advocating for climate policy. Further feedback was received at the Submissions Working Group meeting including the need for the commission to incorporate energy demand management in its analysis and for ORC to incorporate feedback from the Otago Climate Officers' Group.
- [11] ORC's draft submission was also circulated to the Otago Climate Officers' Group. Feedback incorporated was the need for equity in central government transport emission reduction funding with cities in the region deserving equal consideration to 'tier 1' cities such as Auckland which are being prioritised for support. The importance of helping local government and the tourism industry factor in and reduce emissions from tourism was also included in the final draft.
- [12] No further feedback was received after circulating the final draft across the Submissions Working Group and the wider Council so a final copy with typographical amendments was sent to Chair Robertson for signature on 19 June and subsequently to the Climate Commission on 20 June.

## **OPTIONS**

- [13] No options have been provided as this is a noting paper for a submission that has already been approved by Council through the Governance Submissions Working Group.

## CONSIDERATIONS

### Strategic Framework and Policy Considerations

- [14] The points made in the submission, as well as the act of making a submission are in line with ORC's current strategic direction to *'lead a regional approach to enable climate change mitigation.'*

### Financial Considerations

- [15] The submission was made with existing resources and no additional expenditure was incurred because of the submission.

### Significance and Engagement

- [16] Staff were engaged internally through the Otago Internal Climate Working Group with feedback received being incorporated into the final submission.
- [17] Councillors and Council staff that were part of the Otago Climate Officers' Group were consulted and feedback incorporated after Councillor approval.

### Legislative and Risk Considerations

- [18] The high-level submission from ORC has been developed having consideration to its role and responsibilities under the Resource Management Act 1991 and the Local Government Act 2002 as well the Climate Change Response Act 2002 and its subsequent 2019 amendment (Zero Carbon Act).
- [19] Not lodging a submission to acknowledge the draft advice would be contrary to ORC's previous position of supporting the formation of the Climate Change Commission and its mandate and also potentially our stated strategic direction on climate change. ORC avoids this reputational risk by lodging a submission as recommended, supporting the high-level direction that the draft advice sets

### Climate Change Considerations

- [20] This paper is about climate change so climate change considerations are in the attached submission and the body of the text.

### Communications Considerations

- [21] There may be public/media interest in ORC's submission, so it has been forwarded to the media team.

## NEXT STEPS

- [22] The Climate Commission's final advice is due by 31 December 2023. A briefing paper will be provided to Council on the differences between the final and draft advice and how ORC's submission points were incorporated (if they were) will be provided if there is interest from Council.

## ATTACHMENTS

1. Climate Commission Advice Submission revised 1 1 [8.2.1 - 6 pages]

Our Ref:



Climate Change Commission  
**Delivered via the Submission Portal**

20 June 2023

Dear Climate Change Commission,

**Otago Regional Council submission on 2023 Draft Advice to inform the strategic direction of the Government's second emissions reduction plan**

Introduction:

Thank you for the opportunity to provide feedback on this consultation document "*2023 Draft Advice to inform the strategic direction of the Government's second emissions reduction plan*"

**Otago Regional Council (ORC) supports** the Climate Change Commission's overall purpose of the consultation. Climate Change is an issue that requires leadership and an effective response. Not only as part of ORC's functions as a regional authority, but also in contributing to a national approach.

The Climate Commission's evidence-based and independent advice will play a strong role in us determining how we meet our climate change targets. We would welcome the Commission playing a stronger role in advocating for aspects of the policy direction – particularly in ensuring that local government gets resourced appropriately to meet the increasing scope of responsibilities set by central government.

### **Climate Change and the Otago Region**

ORC is committed to leading a regional approach to climate change in the Otago region, in partnership with Kāi Tahu and in collaboration with the local councils. We were one of the first councils to complete a regional Climate Change Risk Assessment and are in the process of updating our regional greenhouse gas emissions inventory. As part of the central government direction on Climate Change, we are required to 'have regard to' the National Adaptation and Emissions Reduction Plan in preparing plans under the Resource Management Act.

We have recently committed to completing a Climate Change Strategy in our 2023-24 Annual Plan by June 2024 and are scoping out a programme of implementation in the 2024-34 Long Term Plan.

*For our future*

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ORC is aware that we control only a handful of levers in relation to climate change mitigation. Most of the tools and resourcing are in the hands of central government – but we are committed to working with other local councils, communities and central government to achieve the change we need.

### Proposed Recommendations 1, 2 and 3

We propose that in the emissions reduction plan for the second budget period the Government:

1. Commit to a specific level of gross emissions for the second and third emissions budgets, no less ambitious than 362 MtCO<sub>2</sub>e and 322 MtCO<sub>2</sub>e respectively, and ensure that its policy choices align with delivering this outcome.
2. Communicate indicative levels of gross emissions and carbon dioxide removals from forestry out to 2050 and beyond to guide policy development.

We propose that the emissions reduction plan for the second budget period must:

3. Make the emissions pricing system consistent with delivering the specific levels of gross emissions for the second and third emissions budgets, and with the 2050 net zero target, by:
  - a. implementing an amended NZ ETS that separates the incentives for gross emissions reductions from those applying to forestry
  - b. developing an approach that can provide durable incentives for net carbon dioxide removals by forests through to and beyond 2050.

While ORC lacks the resources to technically analyse the exact numbers proposed in the second and third budget period, we support the policy direction of setting gross emissions reduction targets. Our submissions on the Agricultural Emissions Pricing, NPS-Plantation Forestry and NPS Indigenous Biodiversity have been clear that the plantation monoculture that the current system of emissions pricing has incentivised creates risks for ecosystems and the rural communities that these ecosystems support.

We support the proposal of setting gross emissions reduction targets and making changes in the ETS to incentivise gross emissions reductions. Forestry is essential for the carbon sequestration they provide. But ORC agrees with the Climate Change Commission that there has been an over reliance on them. However there does need to be some preferential provision for indigenous forestry .

### Proposed Recommendations 4 and 5

We propose that the emissions reduction plan for the second budget period must:

4. Accelerate Iwi/Māori emissions reductions in conjunction with climate change adaptation initiatives by exploring and implementing a mechanism to allocate resourcing direct to Iwi and increase funding to Māori landowners (Te Ture Whenua entities).
5. Ensure Iwi/Māori can drive the integration of mātauranga Māori into policy design, development, and implementation at central and local government level, by delivering sufficient resources to Iwi/Hapū.

ORC welcomes and supports recommendations 4 and 5. Working with Iwi/Māori is critical if we are to reduce emissions and help communities adapt to the impacts of climate change. In the Otago region, ORC has a strategic commitment to work in partnership with Kāi tahu and we have a Mana to Mana agreement with runaka in our area.

:

## Proposed Recommendations 6 and 7

We propose that the emissions reduction plan for the second budget period must:

6. Enable a fair, inclusive, and equitable transition for New Zealanders by expanding the scope of the *Equitable Transitions Strategy* to include compounding impacts of climate change and adaptation as well as mitigation.
7. Make use of existing mechanisms to manage impacts of climate policies in the interim, rather than delaying climate action.

ORC supports the proposal to expand the scope of the Equitable Transitions Strategy to include a focus on climate adaptation and dealing with the impacts of climate change. ORC has a partnership with the Dunedin City Council through the South Dunedin Futures programme to help communities adapt to the impacts of climate change and work out the best pathway for the communities.

Incorporating adaptation into the Equitable Transitions Strategy will also help decision makers approach climate change adaptation and mitigation in a more holistic way. Equity is as important to the community when it comes to adapting to climate change as it is in mitigating it so it is vital that we manage the transition to both in an equitable way.

## Proposed Recommendations 8 and 9

We propose that the emissions reduction plan for the second budget period must:

8. Enhance advisory and extension services to farmers to enable them to respond to pricing and accelerate the adoption of emissions-efficient practices, appropriate land-use diversification, and emerging technologies to reduce gross emissions. These services should be co-designed and implemented in partnership with industry and Iwi/Māori.
9. Advance the agricultural emissions pricing system to:
  - a. enable recognition of a broader range of emissions-reducing practices and technologies
  - b. incentivise gross emissions reductions in line with the 2050 target.

ORC has no position on agricultural emissions pricing. In general, however, we do support working with affected communities to ensure that they are well supported to manage negative impacts caused by pricing agricultural emissions. ORC has strong partnerships with farmers through our catchment management groups and there is potential to use groups like these to deliver positive climate outcomes along with positive environmental outcomes.

In our previous submission to the Ministry for the Environment's Agricultural Emissions pricing consultation, ORC stated that we supported recognition of a wider range of on-farm sequestration as well as recognition of the wider range of benefits that vegetation can have.

We are aware that many farmers and industry are looking at emission reduction technology and land diversification. The options are limited in available technology at present and in Otago the land diversification options are limited. We are investing in rural economic analysis that may assist us being able to understand the potential for more diversification better.



## Proposed Recommendations 10, 11 and 12

We propose that the emissions reduction plan for the second budget period must:

10. Implement an integrated planning system that builds urban areas upward and mixes uses while incrementally reducing climate risks.
11. Incentivise comprehensive retrofits to deliver healthy, resilient, low emissions buildings.
12. Prohibit the new installation of fossil gas in buildings where there are affordable and technically viable low emissions alternatives in order to safeguard consumers from the costs of locking in new fossil gas infrastructure.

In general we support the broad policy direction of recommendations 10 and 11. ORC works with local councils to integrate planning decisions – particularly around public transport (which is a regional council responsibility) and transport (which is a local council responsibility.) Air quality is a regional council responsibility and incentivising retrofitting may deliver better air quality as well as reducing emissions. We certainly have some air shed areas where fossil fuel (coal) emissions are an issue.

## Proposed Recommendations 13 and 14

We propose that the emissions reduction plan for the second budget period must:

13. Prioritise and accelerate renewable electricity generation build and ensure electricity distribution networks can support growth and variability of demand and supply.
14. Pursue more widespread process heat decarbonisation and establish mechanisms for other industrial sectors and processes to decarbonise.

ORC supports the broad policy direction of recommendations 13 and 14. Our recent submission to the National Environmental Standards for Renewable Energy Direction highlights our desire to grow renewable energy generation and support a more resilient electricity distribution system. We welcome initiatives in the heat decarbonisation space in demand reduction, electrification and fuel switching to biomass and other low carbon options. Central Government proactively ensuring viable feed-in tariffs on solar and other small generation would also ensure investment into household scale solar generation. Increased emphasis on energy demand management through smart metering and continued assistance in energy efficiency would also be welcome.

## Proposed Recommendation 15

We propose that the emissions reduction plan for the second budget period must:

15. Set and implement integrated objectives for the role of forests with respect to emissions mitigation and adaptation, while giving effect to the principles of Te Tiriti o Waitangi/The Treaty of Waitangi.

We support this recommendation and would like to see it go further in taking a holistic look at environmental issues. ORC has already mentioned our desire to see a clearer role for forestry, but we reiterate that it is vital that decision makers take a broader look at all the environmental impacts that forestry can have – outside of sequestration. Indigenous forestry provides a broad range of benefits including enhancing biodiversity, strengthening flood protection, improving air quality, reducing fire risk and water yield. But the narrow focus on carbon sequestration has meant that pine monoculture has been extensively incentivised.

## Proposed Recommendation 16, 17 and 18

We propose that the emissions reduction plan for the second budget period must:

16. Simplify planning and increase funding of integrated transport networks that optimise public and active transport. For major population centres, the Government should also complete cycleway networks by 2030 and take steps to complete rapid transport networks by 2035.
17. Rapidly resolve the barriers to scaling up vehicle charging infrastructure.
18. Develop incentives to accelerate the uptake of zero emissions commercial vehicles, including vans, utes, and trucks.

ORC supports recommendation 16 and has no position on recommendations 17 and 18. We are directly involved in delivering public transport service in the region and work with local councils through the Regional Land Transport and Regional Public Transport Plan. Increasing central government support – particularly funding and planning for new regional routes is necessary to deliver a good public transport system and help support mode shift. Planning for local and regional active transport networks should also be prioritised for support.

The impacts of tourism should also be considered when planning for emissions reductions with local government, communities, Iwi/Māori and industry being reward and supported for reducing emissions from tourists and visitors.

We note that none of the population centres in Otago are considered as ‘Tier 1’ and don’t qualify for the same level of support that other urban centres in the North Island do. This is unfair and comparable levels of assistance must be offered to the Otago region as emissions are emissions regardless of whether they come from Auckland or Queenstown. We would support the climate commission advocating for fair funding for the regions when it comes to emissions reduction.

As a Council that requires utes for staff, we support any initiative that will make zero emission vehicles available and a charging network that supports use of such vehicles regionally.

## Proposed Recommendation 19

We propose that the emissions reduction plan for the second budget period must:

19. a. Apply regulatory and policy instruments to achieve the optimal use and efficiency of landfill gas capture systems and technologies at all landfills.
- b. Improve the accuracy and transparency of landfill gas capture data by reviewing and strengthening relevant regulatory and policy tools.

ORC supports the broad policy direction indicated in recommendation 19. We are involved in regulating landfills through our air plan and waste plan. Efficient gas capture systems not only reduce greenhouse gas emissions, but they also reduce other negative environmental impacts such as odour. In addition, ORC is working with local councils through the Otago Mayoral Forum to scope out options on reducing waste and improving our recycling as a region.

Reducing waste, and the need for landfills, however needs to be the first priority action. We acknowledge that there is emphasis in the body in the text for this, and also in the section in the circular economy, but not making it an explicit recommendation was a missed opportunity.

:

If there is the opportunity, ORC would like to speak to its submission.

Yours sincerely



Gretchen Robertson  
**Chairperson**

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### 8.3. ORC Submission on Stock Exclusion Rules proposed amendment

**Prepared for:** Council  
**Report No.** GOV2326  
**Activity:** Governance Report  
**Author:** Warren Hanley, Senior Resource Planner - Liaison  
**Endorsed by:** Anita Dawe, General Manager Policy and Science  
**Date:** 26 July 2023

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#### PURPOSE

- [1] To provide Council a copy of the recently lodged Otago Regional Council (ORC) submission on the Ministry for the Environment's (MfE) 'stock exclusion rules amendment' consultation.

#### SUMMARY

- [2] MfE has recently undertaken consultation on a proposed amendment to the Resource Management (Stock Exclusion) Regulations 2020 (the regulations). The regulations provide controls for when stock would be excluded from water bodies (e.g. crossings)
- [3] A key control in the regulations is excluding stock from lakes and wide rivers on land defined as low slope. Since the introduction of the regulations, concerns about the mapping accuracy of low slope land has been provided to MfE. The result of the original mapping includes the unintentional capture of lower intensity farming in the high country – which affects many regions within the South Island, including Otago.
- [4] ORC worked with the Submissions Working Group to develop the submission, which was lodged with MfE on 16 July.
- [5] ORC continues to support the overall purpose of the regulations but agrees that amendments are needed to better ensure the original purpose of excluding higher impacting stock on more intensively farmed land is met, and to ensure the regulations are practically able to be implemented.
- [6] The submission also supports the use of Freshwater Farm Plans as an alternative pathway to address farm specific constraints, and solutions where there may be conflict with the regulation's rule framework.

#### RECOMMENDATION

*That the Council:*

- 1) **Notes** this report;
- 2) **Notes** the ORC submission lodged on 16 July 2023 with the Ministry for the Environment.

#### BACKGROUND

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- [7] ORC has been engaged in the Governments Essential Freshwater package of reforms since they were first released for consultation.
- [8] Several submissions have been lodged since that time, including on stock exclusion regulations in 2019<sup>1</sup>.
- [9] The Chief Executive, and ORC Chairperson reviewed and approved the lodgement of the submission, following input from the submissions working group and staff.

## **DISCUSSION**

- [10] ORC's submission supports the resolution of issues that have been identified with the application of the current low slope provisions in the regulations.
- [11] MfE also proposed a definition of lower intensity farming, using stock rate. ORC supported the use of stock rate in principal but provided no commentary on what an appropriate number might be, given the complexity in determining appropriate stock rate.
- [12] ORC's key message was the importance of recognising that there are a number of complex variables which require a robust yet realistic solution that focuses on overall outcomes.
- [13] As part of the consultation process, MfE hosted a stakeholder meeting in Ranfurly to further discuss the additional challenges faced when applying the proposed stock exclusion regulations on the Taieri Scroll Plain.
- [14] As identified in our submission, ORC continues to support consideration of an alternative framework for managing the scroll plain that seeks to prioritise the health of the wetland.

## **OPTIONS**

- [15] There are no options for consideration as this paper is for noting only.

## **CONSIDERATIONS**

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

- [16] Our strategic directions require that we take leadership on issues of significance and importance to both our Otago communities and national direction. Making a submission to address issues that may affect Otago's interest is part of that leadership.

### **Financial Considerations**

- [17] There are no specific financial considerations associated with this paper. Submitting on national consultations is a funded activity.

### **Significance and Engagement Considerations**

- [18] The consideration of this consultation, and any subsequent submission is consistent with ORC's Significance, Engagement and Māori Participation Policy.

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<sup>1</sup> ORC submission on Action for Healthy Waterways, 25 October 2019

**Legislative and Risk Considerations**

[19] ORC has responsibilities as a regulator for the management of our freshwater resources. As well as an important issue to represent in a regional leadership role for our communities, it is important to ensure that regulations both are practical to implement for resource users and regulators, as well as keeping a focus the purpose must be to achieve the principles of Te Mana o te Wai.

**Climate Change Considerations**

[20] There are no matters of climate change related to this consultation or recommended response.

**Communications Considerations**

[21] Any submission made by ORC may be publicly available via the MfE website which is standard for a public consultation.

**NEXT STEPS**

[22] ORC staff will report back to Council on the MfE's decision, once available.

**ATTACHMENTS**

1. Developing-an-exception-from-the-low-slope-map-for-lower-intensity-farming-Discussion-document#3 [8.3.1 - 24 pages]
2. ORC submission Stock Exclusion Regulations 2023 4 [8.3.2 - 6 pages]





# Developing an exception from the low slope map for lower intensity farming

Te whakarite aweretanga mai i te mahere rōnaki heke mō te mahi pāmu ngāwari

Discussion document

## Disclaimer

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## Section 1: Introduction and context

The Resource Management (Stock Exclusion) Regulations 2020 (the regulations) require the exclusion of stock from water bodies in a range of situations. The purpose of the regulations is to reduce damage to waterways as a result of livestock accessing them.

The [map of low slope land](#) (the map) is incorporated by reference in the regulations, and determines where non-intensively grazed beef cattle and deer must be excluded from lakes and wide rivers (ie, those with a bed wider than 1 metre), and where all stock must be excluded from natural wetlands with an area more than 500 square metres, from 1 July 2025.<sup>1</sup>

The regulations include a range of other activity-based requirements that apply regardless of the map. For example, the requirement that beef cattle and deer which are intensively grazing<sup>2</sup> on any terrain be excluded from water bodies from 1 July 2023.

More information about the regulations is available on the [Ministry for the Environment website](#).

### Recent changes to the map of low slope land

Following the introduction of the regulations in 2020, feedback indicated the map needed improvement to address concerns about accuracy and its unintended capture of lower intensity farming in the high country. From August to October 2021, the Government publicly consulted on changes to the map that would:

- improve how the map identifies low slope land, and
- address the map's unintended capture of lower intensity farming in the high country.

As result of that consultation, the Government agreed in December 2022 to amend the map to:

- use a more advanced mapping methodology to identify low slope land without averaging across land parcels
- use a more conservative 5 degree threshold to identify low slope land and avoid capturing steeper land above 10 degrees, with the expectation that stock will be excluded on slopes between 5 and 10 degrees subject to farm planning processes and individual circumstances, and
- introduce an altitude threshold of 500 metres to the map to avoid capturing high country farms.

The above changes to the map took effect on 5 January 2023.

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<sup>1</sup> Resource Management (Stock Exclusion) Regulations 2020, regulations 14, 15 and 18. These provisions are referred to throughout this document as *the map and associated requirements to exclude stock*.

<sup>2</sup> 'Intensively grazing' is defined in the regulations to mean (a) break feeding, or (b) grazing on annual forage crops, or (c) grazing on pasture that has been irrigated with water in the previous 12 months.

<sup>4</sup> Developing an exception from the low slope map for lower intensity farming: Discussion document

## Remaining issues with the map

Recent changes have improved how the map identifies low slope land, and have addressed how it captures lower intensity farming in the high country. However, the map still captures some lower intensity farming systems (ie, on flat land below the altitude threshold).

Based on the area of low-producing grassland, officials estimate the map could be capturing approximately 0.37 million hectares of lower intensity farming.<sup>3</sup>

At lower stocking rates, the marginal environmental benefit of excluding stock is reduced while cost is increased (eg, the cost of fencing per stock unit). Therefore, it may be appropriate for lower intensity farming to be exempt from the map and associated requirements to exclude stock.

The Government has agreed to develop and undertake further consultation on an exception for lower intensity farming systems to resolve these issues.

## Proposals for consultation

The Ministry for the Environment is now seeking your feedback on the proposals set out in this discussion document. Your feedback will guide further analysis and consideration, feeding into final decisions on implementing solutions for lower intensity farming and some other issues.

### Section 2: Defining lower intensity farming for the purpose of an exception

This section proposes an approach for defining lower intensity farming for the purpose of an exception, based on stocking rates.

### Section 3: Using certified freshwater farm plans

This section sets out options for using certified freshwater farm plans as an alternative to the map of low slope land and all associated requirements to exclude stock.

### Section 4: Stock exclusion for wetlands

This section seeks feedback on excluding stock from wetlands on lower intensity farming systems, where this could lead to unintended outcomes for weed management.

### Section 5: Other issues

This section seeks feedback on the definition of a permanent fence and clarification of land above 10 degrees.

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<sup>3</sup> It is important to note the map is based on the fundamental characteristics of land (ie, slope and altitude). It is not based on land cover or the intensity of land use because these change over time.

## Have your say

We welcome your feedback on all elements set out in this document, at:

<https://consult.environment.govt.nz/freshwater/low-slope-map-for-lower-intensity-farming>.

The questions throughout the document are given as a guide only. You do not have to answer them all, and any comments are encouraged.

## Information to support your feedback

Please refer to the [Regulatory Impact Statement: Changes to the map of low slope land in stock exclusion regulations](#) for more information about recent changes to the map, as well as detailed information on the benefits and costs of excluding stock from water bodies. This includes up-to-date cost estimates for fencing.

Data from Stats NZ's Agricultural Production Survey can be used to estimate the average stocking rate per hectare across different farm types and regions. This provides an insight into the regions, and proportions of farms and farm types that could benefit under an exception for lower intensity farming. Further details, including a visual representation of this information, are discussed in [section 2](#). Additional information, such as the data analysis methodology, is available in the [appendix](#).

View the [Stats NZ Agricultural Survey data 2018 – 2021](#)

We have also developed a map to highlight where low producing grassland intersects the current low slope map. This indicates areas where lower intensity farming is likely captured by the map. These areas may be most affected by proposals in this discussion document.

View the [Low-producing grassland map for the North Island](#).

View the [Low-producing grassland map for the South Island](#).

## Section 2: Defining lower intensity farming for the purpose of an exception

This section sets out a proposed approach for defining lower intensity farming for the purpose of an exception to the map and associated requirements to exclude stock. This is based on an annualised threshold of stock units per hectare, applied to the farm as a whole. We are seeking feedback on whether this is adequate to define lower intensity farming, or whether we should consider other options.

An exception would mean that if a farm meets a definition of lower intensity farming, then there is no requirement to exclude non-intensively grazed beef cattle or deer from water bodies, despite the farm being captured by the map.

This would not affect any other requirements to exclude stock. Dairy cattle, pigs, dairy support cattle, and intensively grazed beef cattle and deer, would continue to be covered by the regulations, as the requirements to exclude these types of stock apply to all terrain. Farm planning or other processes (eg, regional plan rules, which may be more stringent) could still determine it is appropriate to exclude non-intensively grazed beef cattle or deer in the circumstances.

### Proposed approach: Defining lower intensity farming according to stock units per hectare

Stock units (SU) are a means of calculating stocking rate across different species and age groups of animals, based on their relative feed demands.<sup>4</sup> Established methods for calculating stock units are available and widely used in the primary sector.<sup>5</sup>

We propose relying on stock units per hectare (SU/ha) as a proxy for intensity (ie, the higher the stock units per hectare, the more intensive the farming system) and define lower intensity farming according to an annualised threshold that would be applied to the farm as a whole. This is intended to focus the exception on the overall intensity of a farming system and minimise complexity (eg, where stock are regularly moved).

Alternatively, it may be more appropriate to calculate stocking rate over a shorter time period (rather than being annualised) and/or apply a threshold per grazed hectare or other area (as opposed to the farm as a whole). This could account for situations where short-term increases in stocking rates will have a significant effect, or parts of a farm are actually operating more intensively over a smaller area. However, we anticipate this would also make an exception more difficult to apply in practice and exacerbate difficulties with compliance, monitoring and enforcement (discussed in the section on [Compliance, monitoring and enforcement by regional councils](#)).

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<sup>4</sup> For instance, a breeding bull might amount to 5.5 stock units while a steer under 1 year old might amount to 4.5 stock units.

<sup>5</sup> For example, see definitions provided as part of the [Beef + Lamb benchmarking tool for stock unit values](#).

We are seeking feedback on whether you consider stock units per hectare to be an appropriate measure to define lower intensity farming, and how you think the threshold should be applied (eg, whether it should be annualised and applied to the farm as a whole), and why.

## What is the appropriate threshold for defining lower intensity farming?

What is considered 'lower intensity' farming can vary significantly in terms of stocking rate. For example, high country stations can operate with as little as 1 SU/ha, while some regional plan provisions aimed at low-intensity farming systems are based on a threshold of 8 SU/ha.

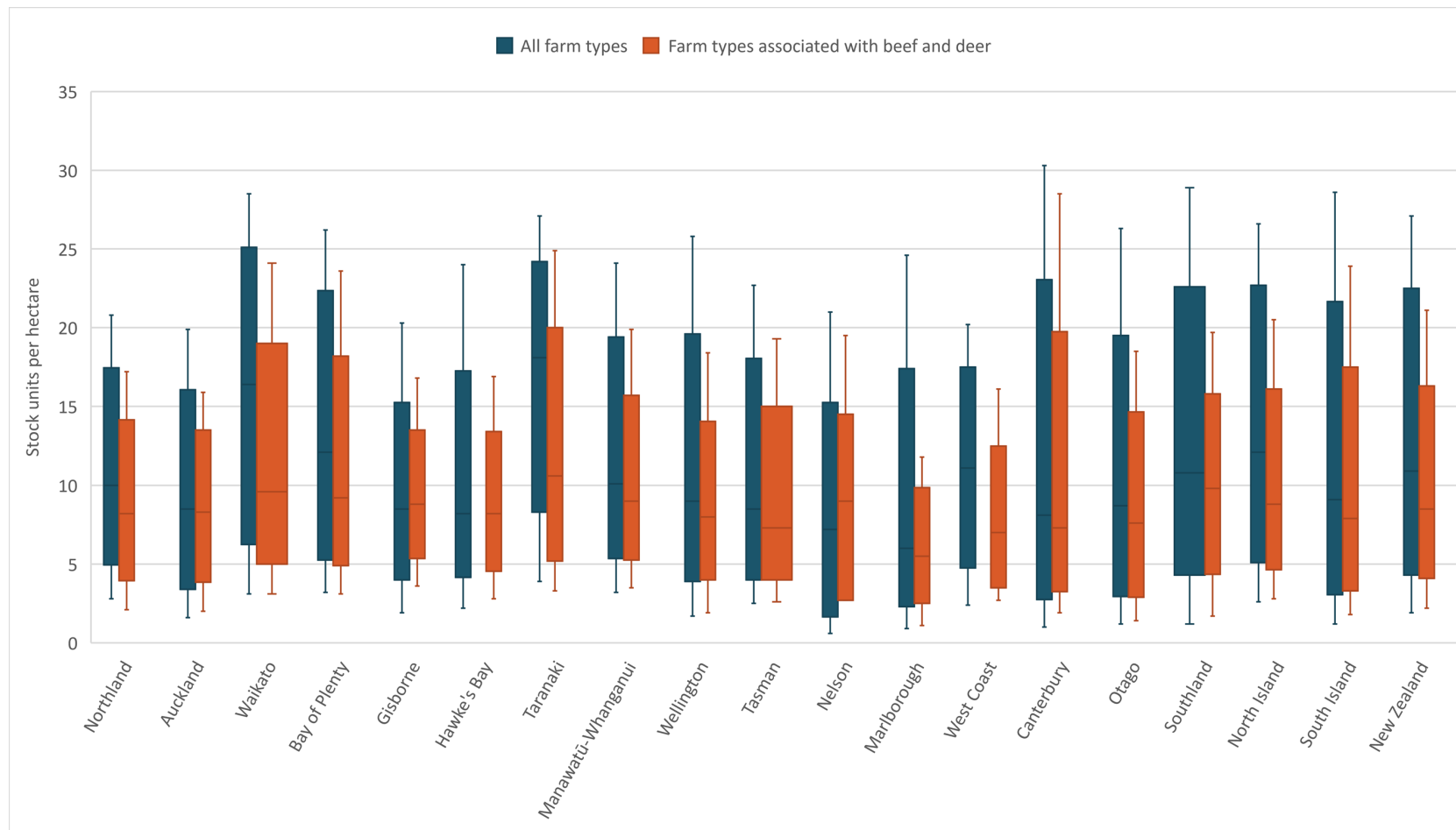
Although there are no established thresholds defining lower intensity farming, it is possible to target a threshold so that it applies to a specific proportion of farms (eg, the least intensive 10 per cent of farms). [Figure 1](#) shows the distribution of stocking rates across Aotearoa New Zealand, based on data collected by Stats NZ through the [Agricultural Production Survey](#). The data provides an insight into the regions, and proportions of farms and farm types that could benefit under different thresholds.

For example, under a threshold of 3 SU/ha, we estimate between 5 to 10 per cent of Northland farms could benefit from an exception. Waikato farms typically have higher stocking rates than Northland farms, and we estimate fewer than 5 per cent could benefit under the same threshold. The methodology used for analysing this data can be found in the [appendix](#).

What is considered lower intensity farming can also differ between beef cattle and deer farms, meaning that one specific threshold may not be appropriate for all stock types. However, setting different thresholds for different stock types may have implications on the practicalities of implementation, for example for farms that run both beef cattle and deer.

We are seeking feedback on what you consider is an appropriate threshold for defining lower intensity farming, and why.

Figure 1: Distribution of stocking rates across Aotearoa New Zealand in 2021



### Questions – Defining lower intensity farming for the purpose of an exception

1. Do you consider stocking rate (ie, SU/ha) is an appropriate measure to define lower intensity farming or do you recommend a different approach? Why?

If you do agree with basing the exception on stocking rate:

2. What do you think is the appropriate stocking rate threshold (in SU/ha) for the definition of lower intensity farming and how do you think it should be calculated (eg, 2 SU/ha, per year, over the whole farm)? Why?
3. Do you think there should be different stocking rate thresholds for beef cattle and deer, or one threshold for all stock types? Why?
4. Is there any other information that you think we should consider in relation to developing an exception for lower intensity farming?

## Situations where an exception is not appropriate

An exception to the map for lower intensity farming may be inappropriate in some situations. For example, where beef cattle and deer entering particularly sensitive water bodies could cause significant harm, even at lower stocking rates. This could include spring-fed streams and lakes, and inanga spawning sites which are less able to cope with stock breaking down the streambank, sediment runoff and damage to their habitat.

We are seeking feedback on whether there are specific situations where an exception for lower intensity farming should not apply, and how these situations should be identified (eg, according to mapping and spatial data, specific criteria, or otherwise).

### Questions – Situations where an exception may not be appropriate

5. Do you consider that there are any situations where an exception for lower intensity farming should not apply, and the map should continue to apply (eg, where specific sensitive water bodies are present)? If yes, what do you consider these to be and why? If no, why not?

If you do agree that there are situations where an exception may not be appropriate:

6. Do you have any views on how those specific situations should be identified?

## Compliance, monitoring and enforcement by regional councils

We anticipate it could be difficult to monitor compliance and enforce regulatory requirements that rely on stocking rates. This is because stocking rates vary over time and depend on a number of factors, such as the age or sex of the animals and total area of land to which they have access.

It is expected that farmers are familiar with stock movements on their farm and already collect information that may help demonstrate compliance if needed. For example, farmers already have to report stock movements as part of the [National Animal Identification and Tracing \(NAIT\) programme](#). While we do not propose relying on data collected for other purposes, it is



important to note that relevant information is being collected by farmers. It should be possible for farmers to demonstrate how they have complied with an exception based on stocking rate if needed.

However, regional councils would still have a limited ability to detect non-compliance with regulatory requirements that rely on stocking rates. This is because the regulations do not currently require farmers to supply the above information (eg, as a condition of an exception applying). In practice, detecting non-compliance would rely on the availability of this information (eg, through local planning requirements, being voluntarily supplied by farmers or the public, or otherwise), technological advances and/or targeted monitoring.

We are seeking feedback on ways to better enable compliance, monitoring and enforcement.

We anticipate that any compliance requirements can be minimised by only collecting information that is necessary for the purpose of the exception, and we expect it will only impact a small proportion of farmers (ie, those that are subject to the map and who meet the relevant threshold of an exception).

Longer term, we expect certified freshwater farm plans and associated audits can complement compliance, monitoring and enforcement efforts.

#### **Questions – Compliance, monitoring and enforcement by regional councils**

7. Is there information that is readily available to farmers and councils to support the implementation of an exception based on stocking rates? How is/should this information be used or shared by farmers and councils?

## Section 3: Using certified freshwater farm plans

By the end of 2025, we expect regulations requiring farmers to have a certified freshwater farm plan to be in place in all regions – and sooner than that for some.<sup>6</sup>

Certified freshwater farm plans will need to identify the adverse effects of activities carried out on farm, and specify requirements to avoid, remedy, or mitigate them. We expect the effects of stock entering water bodies will be addressed and, in many cases, will mean fencing is required to exclude stock.

An important difference to the regulations is that certified freshwater farm plans can also require other mitigations alongside or instead of fencing (eg, more targeted exclusion and riparian management tailored to the individual farm's circumstances). This ability to develop bespoke mitigations through these plans could provide a desirable alternative to complying with the map and associated requirements to exclude stock, or any exception for lower intensity farming.

One option is to create an exception from the map and associated requirements to exclude stock for farmers who have obtained a certified freshwater farm plan. This could be subject to conditions so that it only applies in specific circumstances.

However, this would only have an impact for farmers who can obtain a certified farm plan early, before having to invest in efforts to comply with the map and associated requirements to exclude stock by 1 July 2025. It is also important to note that any exception needs to be clear and specific as to how it applies. It cannot be discretionary (eg, decided on a case-by-case basis by a farm planner).

Another option is to use certified freshwater farm plans more broadly, and entirely replace the map and associated requirements to exclude stock.

The practical effect of these options would be that certified freshwater farm plans determine whether various stock types need to be excluded from water bodies on low slope land. This could create some uncertainty for farmers, as certified freshwater farm plans are not yet available. For example, if farmers are unsure whether stock will need to be excluded once certified freshwater farm plans do become available, it could undermine investment in efforts to exclude stock in the short term.

Further support (eg, guidance) for farm planning may be needed to ensure stock are excluded as expected. For example, at lower slopes and higher stocking rates. The development and certification of a plan could also take time, with actions not commencing until 2027 for some, potentially delaying environmental improvements.

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<sup>6</sup> Further detail about the freshwater farm plan system and its development is available on the [Ministry for the Environment website](#).

**Questions – Using certified freshwater farm plans**

8. Do you consider that certified freshwater farm plans should be used as the basis for an exception, or an alternative, to the map and associated requirements to exclude stock? Why/why not?
9. Is there any other information that you think we should consider?

## Section 4: Stock exclusion for natural wetlands

Section 2 relates to the map of low slope land and associated requirements to exclude stock from lakes and wide rivers (ie, those with a bed wider than 1 metre), and natural wetlands with an area more than 500 square metres.<sup>7</sup>

The regulations also contain other requirements to exclude stock from natural wetlands, irrespective of the low slope map<sup>8</sup>, where:

- the wetland is identified in a regional or district plan or regional policy statement ([Regulation 16](#))
- the wetland supports a population of threatened species ([Regulation 17](#)).

We understand these other requirements to exclude stock from natural wetlands may be similarly problematic when applied to lower intensity farming, and could lead to reduced weed management and poor outcomes for some wetlands.

Many wetlands exist in their current state as part of a farming system and benefit from ongoing weed management. However, at very low stocking rates, it may not be feasible to exclude stock and farmers could instead choose to destock and/or operate more intensively on smaller areas of land. There is a risk this could lead to:

- reduced weed management of the wetland area and a negative outcome to wetlands (eg, relatively impenetrable thatch of pasture grasses to the detriment of smaller, low-growing and threatened indigenous plants), and
- adverse effects on water quality where farmers choose to operate more intensively on smaller areas of land.

We are seeking feedback on whether:

- any exception to stock exclusion requirements for lower intensity farming (as described in Section 2), or
- any of the alternative approaches of relying on certified freshwater farm plans (as described in Section 3) –

should also apply to requirements to exclude stock from natural wetlands, and under what circumstances, if any. For example, only in relation to non-intensively grazed beef cattle and deer.

Information to support these proposals is currently anecdotal. Stock entering wetlands could still cause a range of adverse effects, including damage to native vegetation and habitat. We are seeking feedback to inform our understanding of the risks associated with these proposals, and to ensure changes (if any) will improve outcomes for wetlands.

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<sup>7</sup> [Resource Management \(Stock Exclusion\) Regulations 2020](#), regulations 14, 15 and 18.

<sup>8</sup> [Resource Management \(Stock Exclusion\) Regulations 2020](#), regulations 16 and 17.

**Questions – Stock exclusion for natural wetlands**

10. Do you consider that an exception for lower intensity farming systems, or the alternative approach using certified freshwater farm plans, should apply more broadly to natural wetlands? Why/why not?
11. Are there any situations where any exception, or the alternative approach using certified freshwater farm plans, should not apply? If yes, what do you consider these situations to be and why? How can they be identified?
12. Is there any other information that you think we should we consider in relation to wetlands within lower intensity farming systems?

## Section 5: Other issues

In addition to the questions outlined in the sections above, there are two smaller issues that we would also like your feedback on:

- whether the definition of a permanent fence should be adjusted to recognise other types of fence, and
- clarifying what happens if land above 10 degrees is still captured by the map of low slope land.

### Adjusting the definition of a permanent fence to recognise other fence types

The regulations define a ‘permanent fence’, which in turn determines whether the 3 metre setback requirements apply.<sup>9</sup>

The definition of a ‘permanent fence’ was originally developed in response to consultation, and concerns that existing fences would need to be moved to comply with the new 3 metre setback requirement. Replacing this fencing would impose significant costs on farmers with limited additional benefit (ie, they already effectively excluded stock).

Recent feedback from stakeholders has highlighted that the definition of ‘permanent fence’ in the regulations could be unnecessarily prescriptive. Some common fence types (eg, post and netting, post and rail, etc) are excluded by the definition, but are nonetheless permanent and effective at excluding stock.

We are seeking feedback on whether the definition of a ‘permanent fence’ is too narrow and should be adjusted, for example, by specifying additional fence types or amending the definition to simply require driven or dug fence posts.

#### Questions – Definition of a permanent fence

13. Do you consider the definition of a permanent fence is too prescriptive, and that other fence types should be included? Why/why not?

### Clarifying what happens if land above 10 degrees is still captured by the map of low slope land

When the map of low slope land was introduced in 2020, it was intended to apply to land with an average slope of 10 degrees or less.

In 2022, the Government amended the map to:

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<sup>9</sup> Refer to Part 1 of Schedule 1, in the Resource Management (Stock Exclusion) Regulations 2020.

- use a more advanced mapping methodology to identify low slope land without averaging across land parcels, and
- use a more conservative 5 degree threshold to identify low slope land and avoid capturing steeper land above 10 degrees, with the expectation that stock will be excluded on slopes between 5 and 10 degrees subject to farm planning processes and individual circumstances, and
- introduce an altitude threshold of 500 metres to the map to avoid capturing high country farms.

These changes have largely addressed the map's unintended capture of steeper land. The area of land with an average slope greater than 10 degrees has decreased to approximately 0.02 per cent of the map (which corresponds to approximately 1,160 hectares).

While this is a relatively small area, we propose to clarify that the map and associated requirements to exclude stock do not apply on slopes that are in fact greater than 10 degrees.

We note there will also be instances where the map applies to land with an average slope greater than the 5 degree threshold used to develop the map, but less than 10 degrees. This is not an error – the purpose of using a more conservative 5 degree threshold when developing the map, was to avoid capturing land steeper than 10 degrees. We have not proposed further changes to the map in this respect.

#### **Questions – Land above 10 degrees captured by the map**

14. Do you agree that amendments to the stock exclusion regulations should clarify that the map and associated requirements to exclude stock do not apply on slopes that are greater than 10 degrees? Why/why not?

#### **Questions – Other issues**

15. Are you aware of any other issues with the stock exclusion regulations that should be addressed? And if so, why?

## **Section 6: Preliminary regulatory impact analysis**

The [preliminary regulatory impact analysis](#) is available on the Ministry for the Environment website.



## Section 7: How to have your say

The Government welcomes your feedback on this discussion document. [Section 9](#) contains a complete list of the questions posed throughout the document. They are a guide only and all comments are welcome. You do not have to answer all the questions.

To ensure your point of view is clearly understood, please explain your rationale and provide supporting evidence where appropriate.

### Timeframes

We are accepting submissions via [Citizen Space](#), our consultation hub from 19 June until 16 July 2023.

When the consultation period has ended, we will analyse feedback and provide advice to Ministers on next steps.

### How to provide feedback

You can make a submission in two ways:

- via Citizen Space, our consultation hub, available at <https://consult.environment.govt.nz/freshwater/low-slope-map-for-lower-intensity-farming>
- write your own submission.

If you want to provide your own written submission, you can supply this as an uploaded file in Citizen Space.

We ask please that you don't email or post submissions because this makes analysis more difficult. However, if you need to, please send written submissions to *Stock Exclusion Regulations: exception from the low slope map*, Ministry for the Environment, PO Box 10362, Wellington 6143 and include:

- your name or organisation
- your postal address
- your telephone number
- your email address.

If you are emailing your feedback, send it to [stockexclusion@mfe.govt.nz](mailto:stockexclusion@mfe.govt.nz) as a:

- PDF, or
- Microsoft Word document (2003 or later version).

Submissions close at 5 pm, Sunday 16 July 2023.

## More information

Please direct any queries to:

- Email: [stockexclusion@mfe.govt.nz](mailto:stockexclusion@mfe.govt.nz)
- Postal: Stock Exclusion Regulations: proposed changes to the low slope map consultation  
Ministry for the Environment, PO Box 10362, Wellington 6143.

## Publishing and releasing submissions

All or part of any written comments (including names of submitters) may be published on the Ministry for the Environment's website, [environment.govt.nz](http://environment.govt.nz). Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to website posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment. Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

The Privacy Act 2020 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this document. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

## Section 8: Glossary

Term	Definition
<b>Freshwater farm plans</b>	A legal instrument established under regulations made under Part 9A of the Resource Management Act 1991.
<b>Livestock</b>	Dairy cattle, dairy support cattle, pigs, beef cattle, and deer (unless otherwise specified) regulated under the stock exclusion regulations (it does not include feral animals).
<b>Lower intensity farming</b>	Areas used for low-intensity pastoral systems which are generally stocked at a low rate. The parameters that determine what is classified as a 'low' stocking rate have yet to be defined.
<b>Permanent fence</b>	In the Resource Management (Stock Exclusions) Regulations 2020 (Schedule 1, Part 1), permanent fence is defined as: <ul style="list-style-type: none"> <li>a) a post and batten fence with driven or dug fence posts; or</li> <li>b) an electric fence with at least 2 electrified wires and driven or dug fence posts; or</li> <li>c) a deer fence.</li> </ul>
<b>Wide river</b>	<p>This is defined in the stock exclusion regulations as a river (as defined in the Resource Management Act 1991) with a bed that is wider than 1 metre anywhere in a land parcel.</p> <p>Some confusion has occurred about the definition of wide river, and related concerns have been raised about what it means for stock exclusion requirements.</p> <p>The definition of wide river only means that a river with a bed that is at any point in a land parcel wider than 1 metre is a wide river.</p> <p>For the avoidance of doubt, the definition of wide river does not, on its own, trigger a requirement to exclude beef cattle and deer.</p> <p>The requirement to exclude beef cattle and deer from waterways applies only on land that is included in the low slope map: it does not apply to sections of a wide river that are outside the low slope map (ie, the map only requires stock to be excluded from accessing a wide river along the length of that river that is inside the map).</p> <p>This means that requirements may apply to a river with a bed less than 1 metre wide in the low slope map, if the bed of that river is wider than 1 metre within the land parcel.</p> <p>This gives effect to the intent of the low slope map, which is to protect waterways that are likely to be under the most pressure from stock.</p> <p>The intent is also to avoid the opposite problem: capturing waterways that are unlikely to be under high pressure from stock. These could, for example, be areas of a land parcel at altitudes over 500 metres, and/or with depleted grassland or tall tussock land covers</p>

## Section 9: Consultation questions

### List of all questions

#### Defining lower intensity farming for the purpose of an exception

1. Do you consider stocking rate (ie, SU/ha) is an appropriate measure to define lower intensity farming or do you recommend a different approach? Why?

If you do agree with basing the exception on stocking rate:

2. What do you think is the appropriate stocking rate threshold (in SU/ha) for the definition of lower intensity farming and how do you think it should be calculated (eg, 2 SU/ha, per year, over the whole farm)? Why?
3. Do you think there should be different stocking rate thresholds for beef cattle and deer, or one threshold for all stock types? Why?
4. Is there any other information that you think we should consider in relation to developing an exception for lower intensity farming?

#### Situations where an exception may not be appropriate

5. Do you consider that there are any situations where an exception for lower intensity farming should not apply, and the map should continue to apply (eg, where specific sensitive water bodies are present)? If yes, what do you consider these to be and why? If no, why not?

If you do agree that there are situations where an exception may not be appropriate:

6. Do you have any views on how those specific situations should be identified?

#### Compliance, monitoring and enforcement by regional councils

7. Is there information that is readily available to farmers and councils to support the implementation of an exception based on stocking rates? How is/should this information be used or shared by farmers and councils?

#### Using certified freshwater farm plans

8. Do you consider that certified freshwater farm plans should be used as the basis for an exception, or an alternative, to the map and associated requirements to exclude stock? Why/why not?
9. Is there any other information that you think we should consider?

#### Stock exclusion for natural wetlands

10. Do you consider that an exception for lower intensity farming systems, or the alternative approach using certified freshwater farm plans, should apply more broadly to natural wetlands? Why/why not?
11. Are there any situations where any exception, or the alternative approach using certified freshwater farm plans, should not apply? If yes, what do you consider these situations to be and why? How can they be identified?
12. Is there any other information that you think we should we consider in relation to wetlands within lower intensity farming systems?

**Definition of a permanent fence**

13. Do you consider the definition of a permanent fence is too prescriptive, and that other fence types should be included? Why/why not?

**Land above 10 degrees captured by the map**

14. Do you agree that any amendment to the stock exclusion regulations should clarify that the map and associated requirements to exclude stock do not apply on slopes that are greater than 10 degrees? Why/why not?

**Other issues**

15. Are you aware of any other issues with the stock exclusion regulations that should be addressed? And if so, why?

# Appendix: Data analysis methodology

Stats NZ provided officials with stocking rate data (stocking unit per hectare (SU/ha)). The data is presented in the form of percentile distribution to identify the impact of different stocking rates across regions. View the [Stats NZ stocking rate data set](#) on the Ministry for the Environment website.

The data collected indicates the distribution of stocking rates (SU/ha) across:

1. All farm types (blue boxes) – inclusive of all farms in Aotearoa
2. Farm types associated with beef and deer (orange boxes) – five farm types were identified as containing a significant proportion of beef and deer stock. These stocking rates were combined to give the most accurate representation of stocking rates specific to beef and deer (“Combined 5 types”). The farm types in question were:
  - a. A014200. Beef Cattle Farming (Specialised)
  - b. A014400. Sheep-Beef Cattle Farming
  - c. A014500. Grain-Sheep or Grain-Beef Cattle Farming
  - d. A018000. Deer Farming
  - e. A014100. Sheep Farming (Specialised).

The ‘stock units’ used can be found on the ‘definitions’ tab of the Beef + Lamb benchmarking tool: <https://beeflambnz.com/data-tools/benchmarking-tool>.

Figure 1 shows the distribution of stocking rates across regions, based on data collected by Stats NZ through the Agricultural Production Survey for 2021. Because Officials were not provided the raw data, the lower and upper bounds (ends of the ‘whiskers’) are the 5<sup>th</sup> and 95<sup>th</sup> percentiles respectively. The coloured box represents the 25<sup>th</sup> percentile, 50<sup>th</sup> percentile (or median) and 75<sup>th</sup> percentile.

Using “All farm types” in Waikato region as an example, we can see that the:

- lower bound (5<sup>th</sup> percentile) is 3.1 SU/ha
- lower end of the blue box (25<sup>th</sup> percentile) is 9.4 SU/ha
- middle of the blue box (50<sup>th</sup> percentile, median) is 16.4 SU/ha
- upper end of the blue box (75<sup>th</sup> percentile) is 21.7 SU/ha
- upper bound (95<sup>th</sup> percentile) is 28.5 SU/ha.

The data provides an insight into the regions, and proportions of farms and farm types that could benefit under different thresholds. For example, under a threshold of 3 SU/ha, we estimate between 5 to 10 per cent of Northland farms could benefit from an exception. Waikato farms typically have higher stocking rates than Northland farms, and we estimate fewer than 5 per cent could benefit under the same threshold.



Our Reference: A1666074

13 July 2023

Ministry for the Environment  
Delivered via:

the Submission Portal

and

[stockexclusion@mfe.govt.nz](mailto:stockexclusion@mfe.govt.nz)

**Otago Regional Council Submission on the Resource Management (Stock Exclusion) Regulations in relation to lower intensity farming systems**

Thank you for the opportunity to provide feedback on this consultation document "*Developing an exception from low slope map for lower intensity farming*".

Our feedback addresses the questions posed in the consultation document but also provides some commentary around the Taieri Scroll plain.

*Taieri Scroll Plains*

The Taieri Scroll Plain (which includes Lake Taieri, Maniototo Scroll Plain and the Styx Scroll Plain) creates a unique challenge regarding the application of stock exclusion rules due to the complexity of the wetlands system and its relationship with pastureland. ORC has previously indicated to the Ministry for the Environment (MfE) that it would support an alternative pathway for wetlands management than is currently proposed in the NES – Freshwater and/or by application of the low slope mapping framework.

The Ministry considered that information from ORC and a meeting with key stakeholders, ORC and MfE occurred on 13 July to discuss ideas for what an alternative solution might look like and how it might fit into the planning framework. Given the timing of that meeting, any actions or outputs from it are not included in this submission, and have not been discussed by Council however, ORC remains committed to finding the best way to manage the scroll plain wetlands complex with the community and supported by MfE.

**Questions – Defining lower intensity farming for the purpose of an exception**

*For our future*

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- 1) *Do you consider stocking rate (i.e. SU/ha) is an appropriate measure to define lower intensity farming or do you recommend a different approach? Why?*

ORC supports this approach, provided the SU/ha definition is clear and easy to apply. The conventional stocking unit (SU) is the annual feed demand for a 55kg ewe raising a single lamb, which is generally equivalent to consuming 550kg of dry matter annually. However, this conventional SU measure has been partially replaced by the widespread adoption of the Overseer nutrient model, which uses the concept of 'revised stocking rate' (RSU) based on the energy intake of any animal, amounting to 6000 MJ ME (megajoules metabolizable energy) per year. The RSU definition is currently employed by 14,000 Overseer 'farm accounts' as indicated in the Overseer 2022 Annual Report (Overseer 2022 Annual Report).

In Section 2 of the consultation document, a footnote refers to the SU benchmarking tool provided by Beef + Lamb New Zealand (BLNZ), which uses the conventional SU/ha measure and incorporates useful, albeit simplified, age bracket and breed differentiations that generally correspond to stock weight and consequently, potential environmental impact. If the stock exclusion regulations are amended to include the conventional SU/ha as the foundation, ORC recommends that the BLNZ table is included within the regulations to provide an additional level of clarity. Further, ORC considers that, while the correlation between SU/ha and adverse impacts is imperfect<sup>1</sup>, overall, it appears likely that SU/ha will exhibit a meaningful correlation and be widely understood by farmers and council staff and therefore be a useful proxy for managing some activities. Requiring an assessment of SU over a specific time period and area presents a more challenging aspect, which will be addressed in the subsequent question.

- 2) *What do you think is the appropriate stocking rate threshold (in SU/ha) for the definition of lower intensity farming and how do you think it should be calculated (eg, 2 SU/ha, per year, over the whole farm)? Why?*

ORC considers a stocking threshold has merit in terms of ensuring continuity and recognises a threshold approach is employed in the 'South Island high country' farm class of BLNZ. However, there are a number of practical challenges as to how such a threshold is structured, implemented, and monitored across properties. Importantly, how the threshold is calculated will be important considering factors such as using an annualised limit, the length of a grazing season, and the actual area of land with carrying capacity per property. It would also be appropriate to consider seasonal constraints to avoid wetland grazing in wet conditions (winter & spring).

While some of Otago's land will be exempt due to being at altitudes greater than 500 m and or featuring slopes greater than 5°, implementing an appropriate threshold (potentially the suggested 3 SU/ha) will allow for a more consistent regulatory approach for the majority of these properties noting the practical challenges above. It will be important that the threshold can be practically implemented on the ground, for land users but also from a compliance perspective.

ORC notes that the stocking rate in any paddock with unfenced waterways is more relevant for determining impacts than an annual whole-farm average. However, assessing,

<sup>1</sup> For instance, deer wallowing compared to the more "benign" grazing practices of cattle.





recording, and monitoring of numerous variable instantaneous SU/ha grazing events would pose difficulties for both farmers and regulators.

ORC considers an alternative solution could be developed that would involve farmers defining their 'low intensity' land unit within a Freshwater Farm Plan (FWFP) to avoid excessive fencing obligations resulting from whole-farm averaging. It should be acknowledged that there are high-country farms that still have intensively farmed flats that warrant stock exclusion, assuming they are situated at elevations below 500 meters and feature slopes less than 5 degrees. The risks and feasibility of establishing this defined "land unit" would be subject to scrutiny during the FWFP certification and audit process. This proposed solution essentially adopts an "80/20" approach, meaning it may not provide perfect waterway protection, but it offers a more feasible and focused solution to address the predominant risks associated with higher intensity farming.

- 3) *Do you think there should be different stocking rate thresholds for beef cattle and deer, or one threshold for all stock types? Why?*

ORC considers there should be one threshold for all stock types. Specific risks, such as deer wallowing, can be addressed within FWFPs. For instance, the establishment of constructed wallows that are strategically disconnected from flow paths and Critical Source Areas would effectively mitigate water quality issues associated with that aspect of deer farming.

- 4) *Is there any other information that you think we should consider in relation to developing an exception for lower intensity farming?*

Yes, ORC considers the implementation of a seasonal constraint so that stock access continues to be restricted during periods of wet soil conditions should be considered. While this introduces a level of regulatory complexity, it could be done through FWFPs, which could raise the SU/ha threshold during certain weather conditions. This adjustment would acknowledge that adverse impacts are influenced by the combined factors of soil moisture conditions and stocking rates.

#### **Questions – Situations where an exception may not be appropriate**

- 5) *Do you consider that there are any situations where an exception for lower intensity farming should not apply, and the map should continue to apply (e.g. where specific sensitive water bodies are present)? If yes, what do you consider these to be and why? If no, why not?*

ORC considers that, provided a reasonably cautious SU/ha threshold is adopted as referenced in question 2, it is possible to avoid or minimise exceptions. Furthermore, regional councils can safeguard specific vulnerable water bodies by listing them within the Catchment Context, Challenges & Values (CCCV) section of the FWFP. In such cases, it becomes the responsibility of the farmer to assess the risks associated with the identified water body and take appropriate measures to address them, whether through fencing or

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other effective mitigation strategies. While this approach may not be as direct as a control specified in section 360 (RMA), it aligns with the flexible nature of the overall FWFP regime. Regional councils can also include more stringent rules within their regional plans to protect specific water bodies.

6) *Do you have any views on how those specific situations should be identified?*

Not applicable.

#### **Questions – Compliance, monitoring and enforcement by regional councils**

7) *Is there information that is readily available to farmers and councils to support the implementation of an exception based on stocking rates? How is/should this information be used or shared by farmers and councils?*

The logical system for managing SU/ha information is the Integrated National Farm Database Platform (INFDP). It is anticipated this will enable efficient and secure recording and exchange of information on FWFP actions and monitoring. This could enable filtering of FWFPs that employ a section 360 exception and therefore a targeted monitoring approach by regional councils if necessary.

#### **Questions – Using certified freshwater farm plans**

8) *Do you consider that certified freshwater farm plans should be used as the basis for an exception, or an alternative, to the map and associated requirements to exclude stock? Why/why not?*

Yes, ORC considers that using FWFPs is appropriate. To summarise:

- FWFPs offer a flexible framework for managing exceptions, contingent upon the identification of defined low intensity land units on a farm map.
- CCCVs and regional plans serve as a backup protection option for particularly sensitive waterbodies.

It is important to acknowledge that achieving comprehensive stock exclusion on relevant land, regardless of the provisions outlined in the s360 regulations, will require considerable time beyond the target of 2025 or 2027. This is primarily due to constraints related to farmer budgets, time availability, and the availability of fencing contractors.

9) *Is there any other information that you think we should consider?*

ORC does not have any additional information that would assist at this stage.

#### **Questions – Stock exclusion for natural wetlands**

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10) *Do you consider that an exception for lower intensity farming systems, or the alternative approach using certified freshwater farm plans, should apply more broadly to natural wetlands? Why/why not?*

ORC considers any exemption to the framework should be on a trial basis and would be implemented when a robust monitoring programme is in place, to ensure the impacts are being understood. ORC would continue to provide regulatory support and oversight to ensure the outcomes are being achieved. As discussed in respect to the Taieri Scroll Plain area, ORC is committed to finding the best way to manage exceptions with the community and supported by MfE.

11) *Are there any situations where any exception, or the alternative approach using certified freshwater farm plans, should not apply? If yes, what do you consider these situations to be and why? How can they be identified?*

No, ORC considers there is sufficient scope to manage specific situations through a regional rule framework and/or CCCVs and FWFPs within the relevant catchment.

12) *Is there any other information that you think we should we consider in relation to wetlands within lower intensity farming systems?*

ORC considers there currently exists a complex sequencing challenge between the development of National Policy Statement for Freshwater Management (NPSFM) compliant regional land and water plans, the mapping of regionally significant wetlands, the identification of wetlands where threatened species are found, and the development of CCCVs within the FWFP regime. Considering the added complexity associated with making section 360 exceptions for low intensity farming systems, we would support joint communication to develop guidance and effective communication channels with the impacted farming community and councils, particularly those affected by common high-country systems in the South Island.

### **Questions – Definition of a permanent fence**

13) *Do you consider the definition of a permanent fence is too prescriptive, and that other fence types should be included? Why/why not?*

Yes, ORC considers the definition is too prescriptive. As highlighted in the discussion document, both post and netting fences and post and rail fences can be equally effective

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stock barriers in achieving the desired objectives while also catering to other requirements such as managing rabbits. Furthermore, consideration should also be given to geofencing collars like Halter, which are being adopted rapidly. This technological solution would make the term 'permanent' inappropriate in this context.

**Questions – Land above 10 degrees captured by the map**

14) *Do you agree that amendments to the stock exclusion regulations should clarify that the map and associated requirements to exclude stock do not apply on slopes that are greater than 10 degrees? Why/why not?*

Yes, ORC considers there should be a mechanism in place for farmers to provide evidence that land with an incorrect mapping of  $>10^\circ$  slope is, in fact,  $<10^\circ$ . The most reasonable approach to facilitate this demonstration is by incorporating it within the FWFP. Although this may appear to be a minor amendment, it holds the potential to yield positive benefits in terms of farmer/community perception, as it offers the necessary flexibility to address such specific circumstances.

If you have any questions, please direct them to Warren Hanley, Senior Resource Planner – Liaison ([warren.hanley@orc.govt.nz](mailto:warren.hanley@orc.govt.nz))

Yours sincerely

A handwritten signature in blue ink, appearing to read "Gretchen Robertson".

Gretchen Robertson  
**Chairperson**

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#### **8.4. Further Policy Guidance for developing the Land and Water Regional Plan: Gravel Extraction, Drinking Water and Wetlands**

**Prepared for:** Council  
**Report No.** SPS2319  
**Activity:** Governance Report  
**Author:** Fleur Matthews, Manager Policy;  
Tom De Pelsemaeker, Team Leader Freshwater and Land  
**Endorsed by:** Anita Dawe, General Manager Policy & Science  
**Date:** 26 July 2023

#### **PURPOSE**

[1] The purpose of this paper is to provide Council with a summary of the feedback and policy guidance on a discrete set of regionwide issues obtained from Councillors and Iwi representatives during Environmental Science and Policy (ESP) Committee workshops. This feedback and policy guidance will inform the development of the proposed Land and Water Regional Plan (pLWRP).

#### **EXECUTIVE SUMMARY**

- [2] Policy guidance from Councillors and Iwi representatives on management approaches for addressing resource management issues in Otago forms an important input for the development of regionwide provisions in the pLWRP.
- [3] Policy guidance on most issues was provided in the previous triennium. However, as work on the pLWRP has been progressing in recent months, staff have identified the need for further policy guidance from Councillors and Iwi representatives on the following additional topics:
- a) managing gravel extraction;
  - b) providing for the protection of sources of human drinking water; and
  - c) managing wetlands.
- [4] This report sets out the policy guidance received from Councillors and Iwi representatives on topics a) to c) during the Governance Group (GG) meeting on 8 June and ESP Committee workshops on 29 June and 21 July 2023.

#### **RECOMMENDATION**

*That the Council:*

- 1) **Notes** this report.
- 2) **Notes** the policy guidance received by the Governance Group and the Environmental Science and Policy Committee for:
  - a) *managing gravel extraction;*
  - b) *providing for the protection of sources of human drinking water; and*
  - c) *managing wetlands.*

- 3) **Adopts** the staff recommendation to establish drinking water intake protection zones in the pLWRP for all registered drinking water supplies as shown on the map included in Attachment 4.
- 4) **Directs** staff to implement the preferred approach for excluding stock from natural inland wetlands.

## BACKGROUND

- [5] Over the period September 2021 to April 2022, ORC Policy staff held a series of workshops for the Strategy and Planning Committee (the predecessor of the current ESP Committee) on a range of regionwide issues and topics, and collected written feedback on these matters.
- [6] ORC staff then presented two papers to the Strategy and Planning Committee in July 2022 (Report No. SPS22271) and August 2022 (Report No. SPS22352). These papers had two purposes – the first was to summarise the feedback and policy guidance on regionwide issues obtained during these workshops, and the second was seeking endorsement of the policy guidance for a number of regionwide issues.
- [7] As work on the pLWRP has been progressing in recent months, staff have identified the need for further policy guidance from Councillors and Iwi representatives on:
  1. setting take limits and environmental flows for rivers;
  2. phasing out over-allocation;
  3. setting take limits and environmental levels for lakes;
  4. developing interim target attribute states;
  5. managing key contaminant discharges associated with farming activities and practices;
  6. managing plantation forestry and carbon forestry;
  7. managing gravel extraction;
  8. providing for the protection of sources of human drinking water; and
  9. managing wetlands.
- [8] Topics 1 to 6 were discussed with the GG during their meetings on 6 April and 8 May 2023, and during a workshop of the ESP Committee on 24 May 2023. A paper noting the policy guidance provided by the GG and members of the ESP Committee was presented to Council during its meeting on 28 June 2023.<sup>1</sup>
- [9] Topics 7 and 8 were discussed with the GG during their meeting on 8 June 2023 and both topics were workshopped by the ESP Committee on 29 June 2023. An additional ESP Committee workshop addressing topic 9 was held on 21 July 2023.
- [10] Background papers relevant to topics 7, 8 and 9 were sent to the ESP Committee on 25 June and 20 July 2023. These background papers are attached to this report as Attachments 1 to 3.

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<sup>1</sup> <https://www.orc.govt.nz/media/14504/council-meeting-agenda-28-june-2023.pdf>

**DISCUSSION**

**Approach for managing gravel extraction**

[11] Attachment 1 contains the background paper on managing gravel extraction that was considered by the Governance Group and ESP Committee.

Governance Group feedback	ESP Committee feedback
<ul style="list-style-type: none"> <li>• General support for applying an interim framework, while work is undertaken to further develop river management strategies and develop a Code of Practice.</li> <li>• For small scale abstraction, permitted and consented pathways were both supported.</li> <li>• General support for a more enabling consent pathway for extractions that are for the purpose of protecting significant infrastructure and hazard mitigation.</li> <li>• Priority should be given to extraction for river health and flood and asset protection over primarily commercial extractions.</li> </ul>	<ul style="list-style-type: none"> <li>• General support for the policy guidance provided by the GG.</li> <li>• The interim framework should be more restrictive if current rules are not fit for purpose, but more permissive/ the same as current system, if the current system is working well.</li> </ul>

**Approach for protecting sources of human drinking water**

[12] Attachment 2 contains the background paper on protecting sources of human drinking water that was considered by the ESP Committee.

Governance Group feedback	ESP Committee feedback
<ul style="list-style-type: none"> <li>• Recognition that the broader suite of pLWRP provisions (including, but not limited to, provisions for managing bores, activities in the beds of lakes and rivers, and discharges to water) are likely to provide an incidental benefit for the management of water quality of sources of human drinking water.</li> <li>• General support for the development of a planning framework that:             <ul style="list-style-type: none"> <li>- Provides for additional protection for municipal drinking water supplies and other drinking water supplies that supply larger communities.</li> <li>- Builds on elements of the proposed amendments to the National</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Various ESP Committee members expressed support for the policy guidance provided by the GG.</li> <li>• Other ESP Committee members expressed a desire to be provided with further information on:             <ul style="list-style-type: none"> <li>- The areas within which the restrictions on activities and controls are likely to occur.</li> <li>- The types of activities that would be restricted and the types of controls that would be put in place if certain drinking water supplies were to receive additional protection under the provisions of the pLWRP.</li> <li>- The criteria applied to identify drinking water supplies that would</li> </ul> </li> </ul>

Governance Group feedback	ESP Committee feedback
Environmental Standards for Sources of Human Drinking Water (NES-DW).	be provided additional protection under the provisions of the pLWRP. - The potential implications of these restrictions or controls.

[13] In response to the feedback received during the ESP Committee workshop, staff have further developed this approach, as outlined below.

[14] Using information provided by Taumata Arowai, staff have developed a map, included in this report as Attachment 4, showing the locations of registered drinking water supplies in the Otago region, and indicating the number of people supplied by each location.

[15] Council could direct staff to establish *drinking water intake protection zones* to protect only a subset of these sources, based on the number of people supplied by a registered drinking water supply. The NES-DW 2007 requires drinking water protection zones for all drinking water sources supplying more than 500 people.

[16] However, staff recommend that drinking water intake protection zones be established for all registered drinking water supplies shown on the map in Attachment 4 for the following reasons:

- a. The total number of registered drinking water supplies is smaller than initially estimated by staff.
- b. Excluding certain categories of registered drinking water supplies from the additional protection provided by the pLWRP’s drinking water intake protection zone framework would be hard to justify, as clause 1.3 of the NPS-FM prioritises the health and well-being of water bodies and freshwater ecosystems and health needs of people over other interests, including economic interests.
- c. There could be reputational risks associated with not providing all of the region’s communities with the same level of protection for drinking water supplies.

[17] Staff recommend that *drinking water intake protection zones* be defined or identified in the pLWRP as follows:

- a. For a human drinking water supply from an aquifer – the area within a 20 metre radius from the location of the bore.
- b. For a human drinking water supply from a river (or connected groundwater) – the area extending 5 metres into land from the river’s edge over a reach that encompasses 1000m upstream and 100m downstream from any surface water or directly connected groundwater take.
- c. For a human drinking water supply from a lake (or connected groundwater) – the area within a 500m radius of any surface water or directly connected groundwater take from a lake.<sup>2</sup>

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<sup>2</sup> Pending the results of further technical investigations, separation distances that extend beyond the boundary of a Drinking Water Intake Protection Zone may be required for certain high-risk activities.



- [18] It is proposed that within a drinking water intake protection zone, the following activities would require a resource consent:
- a. discharges to water or to land; and
  - b. activities in beds of lakes and rivers that are likely to cause a more than minor sediment release, for example gravel extraction, mechanical vegetation removal; and
  - c. stock access for all stock categories.
- [19] The implications of these controls would be to assess the above activities within drinking water intake protection zones through a resource consent process, to ensure that the drinking water supply did not require additional treatment and the risk to human health was not increased. It would also enable the drinking water supply operator to be involved in the process. If the applicant cannot show that human health will not be put at risk, it is likely that resource consent would be declined.<sup>3</sup>
- [20] The maps in Attachments 5 to 10 show how drinking water intake protection zones would apply to different types of drinking water sources (bores, rivers and lakes) in some example locations in Otago, to provide an indication of where restrictions on activities may occur.

**Approach for managing wetlands**

- [21] Attachment 3 contains the background paper on managing wetlands that was considered by the ESP Committee. The approach for managing wetlands was discussed at the ESP Committee workshop on 21 July 2023. Further policy guidance was required due to the changes in Government direction that occurred in December 2022, including to the scope of wetlands subject to the National Environmental Standards for Freshwater (NES-F).

ESP Committee feedback
<ul style="list-style-type: none"> <li>• General support for applying some controls for those wetlands that are not covered by the NES-F, to ensure that these wetlands can continue to contribute to the resilience of our waterbodies and potentially be available for restoration activities.</li> <li>• Support was tempered with a strong desire to ensure that landowners who have protected wetlands in the past are not penalised, and the need to support any rules in this space with non-regulatory methods and incentives to protect and restore wetlands.</li> <li>• General support for lesser levels of control for these wetlands than the NES-F requires, providing a consenting pathway for cultivation, earthworks, widespread herbicide use, inundation and drainage. They would also be defined as critical source areas, meaning that they would be managed through Freshwater Farm Plans.</li> <li>• General support with continuing to allow stock access as appropriate for wetlands not</li> </ul>

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<sup>3</sup> It should be noted that, in order to comply with the existing NES-DW, no consent can be granted to certain types of discharges. Clauses 7 and 8 of the NES-DW require that:  
*A regional council must not grant a water permit or discharge permit for an activity that will occur upstream of an abstraction point ... if the activity is likely to—*  
*(a) introduce or increase the concentration of any determinands in the drinking water, so that, after existing treatment, it no longer meets the health quality criteria; or*  
*(b) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.*

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ESP Committee feedback
<p>covered by the stock exclusion regulations.</p> <ul style="list-style-type: none"> <li>• In addition, the ESP Committee wanted to ensure that:                             <ul style="list-style-type: none"> <li>- the costs of ongoing wetland loss is included in the analysis</li> <li>- the controls would apply equally to urban and rural landowners</li> </ul> </li> <li>• In relation to whether to extend the stock exclusion regulations to additional animal types for <i>natural inland wetlands</i> (as defined in the NES-F) only, the Committee was of the view that other ‘heavy’ animals are likely to be able to be justified, but this could be more difficult for sheep. Further explanation of the options available is included below.</li> </ul>

Excluding stock from natural inland wetlands

[22] The stock exclusion regulations require, by 1 July 2025, the exclusion of cattle, pigs, and deer from natural inland wetlands on low-slope land<sup>4</sup>. This is a mandatory requirement and applies a level of protection to *natural inland wetlands* only – the ones that have less than 50% exotic pasture content.

[23] The pLWRP could restrict the access of other stock types to natural inland wetlands. It is highly likely that there will be submissions on this issue for a range of different interest groups, supported by ecological evidence<sup>5</sup>. Three options are available:

- i. Use the mandatory stock exclusion requirements of the stock exclusion regulations (excluding cattle, pigs, and deer); or
- ii. Add provisions in the pLWRP to restrict access for other heavy stock types<sup>6</sup> (for example, horses); or
- iii. Add provisions in the pLWRP to exclude all stock (for example, horses, sheep and goats).

**OPTIONS**

[24] ORC staff require policy guidance on the above topics to continue with development of regionwide provisions for the pLWRP. ORC staff recommend that the Council notes the policy guidance provided by the Governance Group and the ESP Committee outlined in this report and provide additional direction as requested. Doing so will allow work to continue on the development of the pLWRP and ensure the notification deadline is not compromised.

[25] The other option would be for Council to ask staff to revisit some or all of the policy guidance. The consequences of that would be further work and workshops. It would impact on the timeframes for:

- a. completing the draft plan provisions
- b. rolling out the next stage of community consultation; and ultimately

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<sup>4</sup> Exclusion from Regionally Significant Wetlands that are already mapped is immediate.

<sup>5</sup> The Environment Court received evidence in the form of a Joint Witness Statement – Ecology on the Proposed Southland Water and Land Plan appeals that does not support unmanaged sheep access to wetlands.

<sup>6</sup> Note that the definition of “cattle” includes buffalo, yak and bison.

c.the notification of the pLWRP.

## **CONSIDERATIONS**

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

- [26] ORC is responsible for implementing new national direction and regulations, including by notifying new or updated regional policy statements and regional plans that set out how ORC will give effect to the relevant higher order documents, including relevant national policy statements and national environmental standards. ORC has committed to a work programme with the Minister for the Environment which includes notifying a new pLWRP by 30 June 2024.
- [27] The policy guidance provided by the GG and the ESP Committee is an important input in the development of a fit for purpose and futureproof pLWRP.
- [28] The new pLWRP will contribute to fulfilling Council's objectives under ORC's Strategic Directions of leading environmental management in Otago, in partnership with mana whenua; promoting collaboration with territorial authorities and others to achieve resilient and sustainable communities; and promoting a healthy and resilient environment whose capacity for sustaining life and ecosystem health is enhanced and sustained.

### **Financial Considerations**

- [29] The Policy Team administers existing budgets for the development of the pLWRP. Any expenditures associated with the development of the pLWRP are funded from these budgets.
- [30] There are no direct financial implications on the existing budget flowing on from the policy guidance provided by the GG and ESP Committee or from adopting the staff recommendations with respect to the policy guidance for any outstanding regionwide issues.

### **Significance and Engagement**

- [31] This step in the development of the pLWRP does not trigger ORC's *He mahi rau rika: ORC Significance, Engagement and Māori Participation Policy*. If the policy guidance is confirmed, this policy guidance will be used for targeted consultation and engagement on the region wide provisions. This consultation and engagement is consistent with the requirements in the NPS-FM.

### **Legislative and Risk Considerations**

- [32] The development of a new pLWRP is a requirement of the NPS-FM. The pLWRP will be developed in accordance with the requirements prescribed by the NPS-FM, the Resource Management Act 1991 (RMA) and any other relevant national direction, including the NES-DW and the National Environmental Standards for Freshwater (NES-F).
- [33] Consideration of policy guidance provided by Councillors and Iwi representatives in the development of the pLWRP assists with ensuring that community and mana whenua

concerns and expectations are accurately captured and addressed and reduces the risk of delays in the timely notification of the pLWRP.

#### **Climate Change Considerations**

- [34] Recognition of climate change and its effects on the health and wellbeing of the people and environment of Otago is one of the matters to which the pLWRP needs to respond in order to give effect to the NPS-FM, in particular Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.
- [35] Previous workshops have considered climate change and how it may affect regionwide matters that will be addressed in the pLWRP.

#### **Communications Considerations**

- [36] There are no specific communications implications to be considered for this step in the development of the pLWRP. However, as work on the development of draft provisions is progressing, policy staff are working together with staff in the communications team to develop clear messages for the public around the different opportunities that exist for communities to have a say on the forthcoming pLWRP and when these opportunities for input will present themselves over the coming months.

#### **NEXT STEPS**

- [37] ORC staff will use the policy guidance obtained from the GG and ESP Committee as an input in the development of the regionwide provisions for the pLWRP.

#### **ATTACHMENTS**

1. Attachment 1 Paper for 29 June ESP Committee workshop Gravel management [8.4.1 - 6 pages]
2. Attachment 2 Paper for 29 June ESP Committee workshop Protection of Human drinking [8.4.2 - 6 pages]
3. Attachment 3 Paper for 21 July ESP Committee workshop Managing wetlands [8.4.3 - 6 pages]
4. Attachment 4 - Map Registered Drinking Water Supplies in Otago [8.4.4 - 1 page]
5. Attachment 5 - Arrowtown Water Supplies - DWIPZ [8.4.5 - 1 page]
6. Attachment 6 - Hāwea Water Supplies - DWIPZ [8.4.6 - 1 page]
7. Attachment 7 - Owaka Water Supplies - DWIPZ [8.4.7 - 1 page]
8. Attachment 8 - Palmerston Water Supplies Bore - DWIPZ [8.4.8 - 1 page]
9. Attachment 9 - Palmerston Water Supplies River - DWIPZ [8.4.9 - 1 page]
10. Attachment 10 - Wānaka Water Supplies - DWIPZ [8.4.10 - 1 page]

## **Background paper**

### **Environmental Science and Policy Committee Workshop**

### **29 June 2023**

#### **Agenda item 1: Gravel management**

##### **Purpose of this paper**

1. The purpose of this paper is to seek direction from the Environmental Science and Policy Committee on the preferred approach for managing gravel extraction from rivers and lakes in the Land and Water Regional Plan.
2. Gravel extraction may be undertaken primarily for commercial purposes, or by, or on behalf of Otago Regional Council (ORC or Council) for the purpose of fulfilling its functions with regard to flood protection, land drainage and river management activities.
3. Alongside the benefits described above, when not managed well, the extraction of gravel can cause adverse effects on water quality, freshwater ecosystems, and the form and function of rivers, as well as effects on values supported by freshwater, such as recreation, amenity, access and cultural values.
4. This paper only applies to the extraction of gravel from the beds of lakes and rivers, and will be managed within the BED chapter of the proposed Land and Water Regional Plan (pLWRP). The pLWRP's FLOOD chapter will capture other works in the bed undertaken by ORC for flood protection, land drainage and river management purposes.

##### **Background**

5. The ORC's Operations Engineering Team has an interest in managing the extraction of gravel from rivers for river management and hazard mitigation. They acknowledge that gravel extraction must adhere to protecting environmental values while providing for the maintenance of flood flow capacities by promoting excavation from the dry parts of the bed and limiting extraction rates to the natural rate of supply.
6. The ORC's Operations Engineering Team is in the process of obtaining a global consent<sup>1</sup> to enable their flood protection and river management works across Otago, which will include some gravel extraction in specified waterbodies. The development of the future framework for managing gravel extraction under the pLWRP is not relevant to the current global consent process, and the decisions made on the application. Any subsequent replacement of the global consent will require assessment against the provisions of any plan relevant at the time of application, foreseeably including the pLWRP.

##### **Direction in higher order planning instruments**

7. The Council has functions under the Soil Conservation and Rivers Control Act 1941 to minimise and prevent damage by floods and erosion and prevent or lessen the likelihood of erosion or the overflow or breaking of the banks of any watercourse.

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<sup>1</sup> A global consent is a resource consent that allows the consent holder to undertake the same type of works in a number of locations. In this case, the global consent will apply to the entire Otago region.

8. Under the Civil Defence and Emergency Management (CDEM) Act 2002 ORC is also required to co-ordinate, through regional groups, planning, programmes, and activities related to civil defence emergency management across the areas of reduction, readiness, response, and recovery. Hazard and risk reduction requirements identified as part of this process must be implemented primarily through Resource Management Act (RMA) and Local Government Act planning.
9. The National Policy Statement for Freshwater Management 2020 (NPS-FM) requires that the health and well-being of water bodies and freshwater ecosystems is prioritised and that the loss of river extent and values is avoided to the extent practicable.
10. The proposed Regional Policy Statement for Otago (pORPS) does not include any direction that specifically references gravel extraction. However, the following direction within the pORPS<sup>2</sup> is likely to be relevant:
  - LF-FW-P13 requires that natural character and instream values are preserved by avoiding the loss of value of a river, and sustaining the form and function of a water body that reflects its natural behaviours to the greatest extent practicable.
  - LF-FW-P14 requires that natural character and instream values are restored where they have been lost or reduced.
  - LF-LS-M13 directs local authorities to manage the condition of the beds of water bodies, to improve the functioning of catchment processes and reduce unnatural sedimentation.
  - HAZ-NH-P4(1) encourages activities that reduce risk or community vulnerability, where areas are subject to natural hazards.
  - HAZ-NH-P6 requires protecting natural or modified features and systems that contribute to mitigating the effects of natural hazards and climate change.
  - HAZ-NH-P9 provides for the protection of hazard mitigation measures and lifeline utilities, which could be considered to include river management infrastructure.

**Previous direction from Council, mana whenua aspirations and community feedback**

11. Previous direction from Council has been that the proposed Land and Water Regional Plan (pLWRP) should: <sup>3</sup>
  - Provide for permitted gravel takes where they are for the protection of health and safety, crucial infrastructure, private land, bank erosion and cultural burial sites.
  - Provide for permitted gravel takes for roading and construction, as a means to offset the cost to ratepayers of river management.
  - Gravel extraction should be managed to prevent the restriction of river channels.
  - Consider the climate change impacts on gravel deposition and subsequent management, and the concept of giving rivers space.
  - Manage the effects of gravel extraction on access, amenity and heritage values, ecological indigenous biodiversity values, mahika kai values, river form, spreading of pests and defences against water.

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<sup>2</sup> Reply report version, 23 May 2023

<sup>3</sup> <https://www.orc.govt.nz/media/12595/agenda-strategy-and-planning-20220713.pdf>

12. Mana whenua have expressed the view that permitted activity categories for gravel extraction should be narrowly defined and be set with the needs of the catchment in mind. They noted that the hierarchy of obligations under the NPS-FM will dictate the appropriate volumes, methods and locations of gravel extractions, based on what is necessary to deliver community outcomes and ensure the health of the river.
13. Feedback received during earlier stages of pLWRP consultation suggests that local communities are generally supportive of gravel extraction for the purpose of flood management and the protection of infrastructure, with some concerns about gravel extractions for commercial purposes, and the effects of extractions on ecosystems and the river itself.

#### **Issues**

14. The key issues associated with gravel extraction are:
  - There is an increasing frequency, magnitude and duration of natural hazard events, which has the potential to increase the need for gravel extraction, either to increase flood carrying capacity, or to clear gravel that has accumulated as a result of flooding and may present a continuing flood risk.
  - There are gaps and limitations in the existing planning framework, and the adverse environmental effects from gravel extraction are not well captured. There is also a lack of performance standards for gravel extraction.
  - There is a lag between extraction and river response. Adverse effects on river morphology are difficult to reverse.
  - Assessments of effects can be very technical in nature and often have high uncertainty.
15. Feedback received from internal and external stakeholders throughout the plan review process has suggested that the current planning framework for managing gravel extraction in the operative Regional Plan: Water for Otago is too arbitrary, particularly where gravel is scarce. The rules also do not allow the consideration of waterbody types, unique geomorphology across Otago's River catchments, values or other relevant effects when assessing resource consent applications, particularly in light of the NPS-FM.
16. ORC holds several morphology and riparian management strategies for specific rivers<sup>4</sup>, which set out the objectives and high-level outcomes for managing those rivers, including the method of gravel extraction. These morphology and riparian management strategies were developed in consultation with community and stakeholders and would be updated to reflect the current planning environment. These strategies provide a framework for managing the form and function of rivers and require updating to reflect the approach proposed to be taken in the forthcoming pLWRP whereby freshwater and water bodies can be managed at Freshwater Management Unit (FMU), rohe, catchment or even smaller scale level.

#### **Available planning responses to issues**

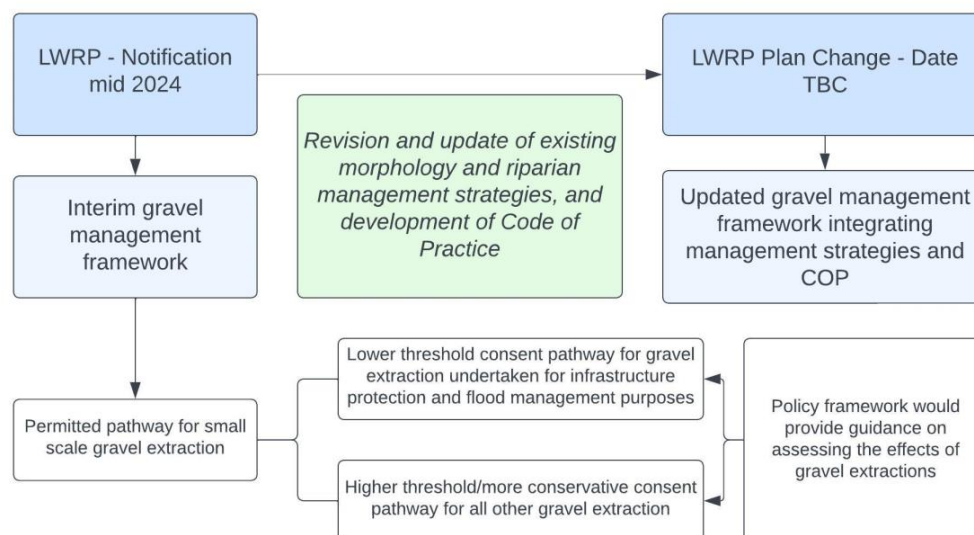
17. Based on the issues, and direction in the pORPS, the following outcomes and associated methods are available for managing gravel extraction:

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<sup>4</sup> Examples include the Waianakarua River, Taieri River, Kakanui River and Shag/Waihemo River.

- Provide a strategic framework for managing gravel extraction across the region to provide hazard mitigation and enable extractive uses with environmental considerations<sup>5</sup>.
- Provide a pathway to give rivers space, as part of a wider framework for natural hazards mitigation and climate change adaptation
- Reduce the volume of permitted activity extractions.
- Provide a consent pathway for gravel extraction where it is for the purpose of protecting nationally or regionally significant infrastructure,<sup>6</sup> or for hazard mitigation purposes.<sup>7</sup>
- Provide a more conservative consent pathway for gravel extraction where it is not undertaken by or behalf of ORC's Operations Engineering team.

18. These outcomes include both longer term outcomes (revision and update of the existing morphology and riparian management strategies, including giving rivers space), alongside an interim framework with more immediate changes (reducing permitted activity scope and refining consent pathways for gravel extraction), as shown in Figure 1.<sup>8</sup> The separation is due to the resourcing requirements of the longer-term outcomes, coupled with the need to give effect to the NPS-FM in the short term.



<sup>5</sup> The ORC's Operations, Engineering team are underway in planning the development of a strategic framework to support the management of gravel extraction, with the first step being finalising the Environmental Management Plan that will support the implementation of its global consent (still under consideration by the consent authority). This framework is likely to have bridging/transitional plans until the information to support longer term outcomes is achieved. Timeframes for this are likely to be in the new LTP.

<sup>6</sup> As defined in the proposed Otago Regional Policy Statement 2021, reply report version 23 May 2023, <https://www.orc.govt.nz/media/14361/porps-reply-version-master.pdf>

<sup>7</sup> This was presented to the Governance Group as a consent pathway for gravel extraction where it is undertaken by or on behalf of the ORC's Operations Engineering team for flood management purposes.

<sup>8</sup> This figure has been updated based on feedback from the Governance Group



19. In the interim, the pLWRP is required to give effect to Te Mana o te Wai, in accordance with the NPS-FM. This requirement means that gravel extraction must be assessed first through the lens of avoiding the loss of river extent and value to the extent practicable. Based on the Council's responsibilities in relation to river management, it is recommended that gravel extraction for the purpose of hazard mitigation or protecting nationally or regionally significant infrastructure is afforded a more enabling consent pathway. Where extractions are not on behalf of the regional council, a more conservative approach is recommended that will reduce the scope of the current permitted activity rules and require consent for all other extractions. This approach acknowledges that the extraction of gravel is likely to impact the extent and value of the river both at and surrounding the extraction site, and also acknowledges the differences between works undertaken by or on behalf of Council, compared to works undertaken primarily for commercial purposes.
20. The longer-term outcomes are anticipated to be beyond the scope of the current pLWRP process, given they will require significant and specific resourcing. The existing morphology and riparian management strategies will provide a framework for managing the sustainable extraction of gravel from rivers across Otago as one method in maintaining rivers form and function. A code of practice will set out what are effectively good management standards for gravel extraction.
21. The revision and update of the existing morphology and riparian management strategies will require technical investigation to inform river or catchment specific limits for extraction volumes. Providing space for rivers will also be reliant on technical information to determine where it is appropriate to let rivers roam, and will need to be coupled with supporting direction, likely in both the LWRP and relevant district plans. The implementation of these longer-term outcomes will be the subject of a plan change to the LWRP.

**Key questions**

22. Key questions to consider are:

- *Are you comfortable with the reliance on an interim framework for gravel management in the LWRP while a longer-term framework is developed? Should the interim framework be more restrictive, or more enabling? (For example, increasing the scope or scale of the permitted activity rules could be seen as more enabling, while not differentiating between extractions for ORC hazard mitigation purposes and all other purposes might be seen as more restrictive.)*

Feedback from the governance group was mixed in relation to the management of small-scale extractions, with support for both a permitted activity pathway and a consent pathway.

- *Is there any consensus on whether there should be a permitted pathway for small scale abstractions, or is the preference to require a consent in all cases? Should the pLWRP distinguish between gravel extraction by or on behalf of ORC for hazard mitigation works, and gravel extraction for all other purposes? Are there any other specific purposes that the pLWRP should provide a permitted activity or consent pathway for?*

Feedback from Governance Group supported a more enabling pathway for gravel extractions that are for the purpose of protecting nationally or regionally significant infrastructure, and hazard mitigation, rather than prioritising activities undertaken by ORC.

## Background paper

### Environmental Science and Policy Committee Workshop

29 June 2023

#### Agenda item 2: Protecting drinking water supplies under the framework of the proposed Land and Water Regional Plan

##### Purpose of this paper

1. The purpose of this paper is to recommend an approach to managing and protecting drinking water supplies under the proposed Land and Water Regional Plan (pLWRP).

##### Background

2. Public confidence in drinking water supplies has been shaken since the 2016 outbreak of gastroenteritis in Havelock North, where approximately 5,500 people became ill with campylobacteriosis. This outbreak was traced to contamination of the drinking water supplied by two bores on the outskirts of Havelock North and resulted in questions regarding the safety and security of drinking water throughout New Zealand. A range of drinking water requirements have changed as result of this event.
3. The Otago Regional Council's (ORC or Council) operative Regional Plan: Water for Otago (RPW) seeks to manage the adverse effects of contaminant discharges to water stemming from a range of activities. The RPW also provides some additional protection for domestic or community water supplies, although this is mostly limited to setback requirements for a number of high-risk activities, including discharges of human sewage and animal effluent storage, and the identification of a limited number of aquifers as Groundwater Protection Zones (GWPZ).<sup>1</sup>
4. Although the ORC does not systematically monitor water quality at the location of all drinking water supply takes across the region, the findings from a review of the RPW undertaken in 2020 and data collated through ORC's State of the Environment (SoE) monitoring network cast doubt over the effectiveness of the RPW in maintaining water quality, or improving it where it is currently degraded.<sup>2</sup>

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<sup>1</sup> In 1996, IRRICON Consultants and Landcare Research (NZ) Ltd produced vulnerability maps for 6 aquifers in Otago that were selected because of the level of exploitation and demand. In some cases, these aquifers were also chosen due to the threat of groundwater quality deterioration. The vulnerability maps produced were overlain onto aquifer maps and became the Groundwater Protection Zones A and B in the current water plan.

<sup>2</sup> Relevant key findings from this review include the following:

- The RPW does not allow for sufficient consideration of the cumulative impacts of wastewater discharges, including on-site systems;
- The rule framework for contaminant discharges in the RPW is uncertain and difficult to enforce
- There is no clear decision-making framework for resource consent applications for discharge consents
- There is no clear link between the rule and policy framework for managing discharges and the water quality limits in the RPW.
- There is scope for strengthening the framework for the management of bores

5. Analysis of State of the Environment (SoE) monitoring results collected across a network of 106 river and 19 lake monitoring sites indicates that approximately one in three monitoring sites do not meet NPS-FM bottom line for E. coli and suspended fine sediment, while 10 monitoring sites failed to achieve a band 'C' for DRP (ecosystem health) attribute. The SoE monitoring results also suggest that over the 20-year period, ammoniacal nitrogen (NH<sub>4</sub>-N), dissolved reactive phosphorus (DRP) and total phosphorus (TP) show a higher percentage of improving, compared to degrading, trends. The worst performing variables over 10 years were E. coli and nitrogen (NNN and TN), where close to 50% of sites had a degrading trend. Conversely, NH<sub>4</sub>-N and DRP had approximately 90% of sites showing an improving trend.<sup>3</sup>
6. The SoE monitoring results further suggest that areas with a current GWPZ such as Ettrick, the Lower Waitaki and the Kakanui-Kauru Alluvium Ribbon Aquifer shows variable to declining groundwater quality with contamination from E-coli, nitrates, and DRP.<sup>4</sup>

#### **Direction in higher order planning instruments**

7. At a national level, drinking water is largely managed by the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007(NES-DW). The NES-DW requires regional councils to ensure that the effects of activities on drinking water sources are considered in decisions on resource consents and in regional plans.
8. At the time it came into force, the NES-DW was the exclusive direction instrument for freshwater. Today, it is one of four national direction instruments aimed at improving the management of freshwater. This is alongside the National Policy Statement for Fresh Water Management (NPS-FM), the National Environmental Standards for Freshwater (NES-F), and the Resource Management (Stock Exclusion) Regulations 2020.
9. The NPS-FM directs in Part 2 (Objectives and Policies) that the health needs of people (such as drinking water) are a second priority, below ecosystem health and above other uses of water. As well as this, drinking water supply is listed as an 'other value' that must be considered in Appendix 1B of this policy statement.

#### **Proposed amendments to the NES-DW**

10. The Havelock North Inquiry was key in identifying 'significant problems' with the current NES-DW. The inquiry recommended a full review of the NES-DW to 'enable risks to source water to be addressed in a straightforward and comprehensive manner.'<sup>5</sup> The existing NES-DW is complex and difficult to interpret and apply. As well as this, it does not cover the wide range of activities posing a risk to source water, nor does it provide adequate protection for water supplies serving less than 500 people.

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<sup>3</sup> Information sourced from the Draft report *State and Trends of Rivers, Lakes, and Groundwater in Otago 2017 – 2022*. This report will be presented to the Otago Regional Council at its meeting on 28 June 2023.

<sup>4</sup> Otago Regional Council. 2021. *State of the Environment Groundwater Quality in Otago*. Prepared by A. Levy and M. Ettema. 189pp.

<sup>5</sup> *Kia kaha ake te tiakina o ngā puna wai-inu / Improving the protection of drinking-water sources: Proposed amendments to the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007: Consultation document*. Ministry for the Environment. 2022. (Page 7)

11. Amendments to the NES-DW are in development, and are expected to be gazetted this year.<sup>6</sup> The objectives of the proposed amendments to the NES-DW are to strengthen and align national direction for protection and management of source water, by improving:
  - How at-risk source water areas are delineated;
  - How activities that pose risks to source water are regulated or managed; and
  - Protecting all registered water supplies.
12. These amendments are also intended to align with source water requirements outlined in the Water Services Act 2021.<sup>7</sup>

**Previous direction from Council, mana whenua aspirations and community feedback**

13. Previous direction from Council has been that the pLWRP should give effect to the hierarchy of obligations set out in the NPS-FM (which recognises the health needs of people as second priority) and that human drinking water needs to be protected against impacts of land use and land development on water quality.
14. Mana whenua have expressed the view that drinking water needs to be protected (but not at the expense of the health of water bodies) and that drinkable water standards must be achieved across the takiwā wherever possible to recognise hauora and for the benefit of future generations.
15. Feedback received during earlier stages of pLWRP consultation suggests that local communities are generally supportive of the overall goal of providing safe water for the drinking water needs of the communities.

**Available planning response in the pLWRP**

**Recommended approach:**

16. At the present time there is some uncertainty around the mandatory requirements that will be imposed on ORC, landowners near water takes and water suppliers by the planned amendments to the NES-DW. At this time those requirements are not finalised, but should have been before the pLWRP is notified. The requirements are likely to be significant, and staff have investigated the work involved and benefits of trying to pre-empt some of those requirements.
17. As it transpires, the science programme that would be required to give effect to the indicative new requirements (as outlined in the recently released Cabinet Paper and Minute) is likely to

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<sup>6</sup> ORC submitted on proposed changes to the NES-DW in March 2022. This can be viewed at: [https://consult.environment.govt.nz/freshwater/nes-drinking-water/consultation/view\\_respondent?show\\_all\\_questions=0&sort=submitted&order=ascending&q\\_\\_text=Otago&uuld=478670700](https://consult.environment.govt.nz/freshwater/nes-drinking-water/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=Otago&uuld=478670700)

<sup>7</sup> Regulations applying to source water are set out in Part 2, Subpart 5 of the Water Services Act 2021. Source: <https://www.legislation.govt.nz/act/public/2021/0036/latest/LMS374564.html>

be significant but is unplanned. This creates doubt around pursuing likely NES-DW changes ahead of gazettal both in terms of time and costs.<sup>8</sup>

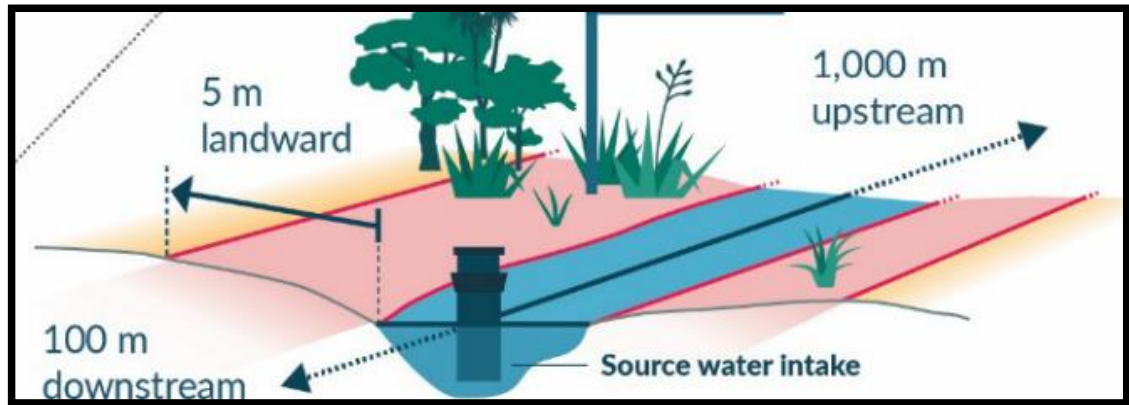
18. Therefore, the recommended planning approach is to protect all drinking water supplies in the interim by having standard conditions on all discharges from a wide range of activities and land uses, as well as some works in riverbeds, including:
  - Setbacks that are greater than the likely setback requirements (5 metres) of the amended NES-DW from all bores.
  - Restrictions on activities extending 5 metres into land from the river's edge over a reach that encompasses 1000m upstream and 100m downstream from any surface water or directly connected groundwater take on rivers (See image 1 - Appendix 1).
  - Restrictions on activities within a 500m radius of any surface water or directly connected groundwater take from a lake (See image 2 - Appendix 1)
  - Further controls on activities within the whole source water catchment for some municipal water supplies (See image 3 – Appendix 1).
19. This approach relies on plan provisions and requires no mapping and will therefore save time and effort at this stage. There are also a wide range of provisions that will provide incidental improvement of protection of drinking water supplies, such as a shift away from direct discharges to water, improved management of contaminant run-off generally and better protection of well heads.
20. The existing Groundwater Protection Zones are subject to some further technical advice, particularly in relation to on-site effluent discharges. At this stage, it is uncertain whether they will be retained.
21. In the future, a plan change will be required to give effect to the new NES-DW when it comes into force. It is likely that a significant science programme may be required to adopt the risk management approach of the proposal for the new NES-DW.

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<sup>8</sup> Cabinet Paper and Minute at <https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/cabinet-paper-and-minute-amending-the-resource-management-national-environmental-standards-for-sources-of-human-drinking-water-regulations-2007/>

## Appendix 1

**Figure 1: Area extending 5 metres into land from the river's edge over a reach that encompasses 1000m upstream and 100m downstream from any surface water or directly connected groundwater take on rivers**



**Figure 2: Area comprising a 500m radius of any surface water or directly connected groundwater take from a lake (shown in red)**

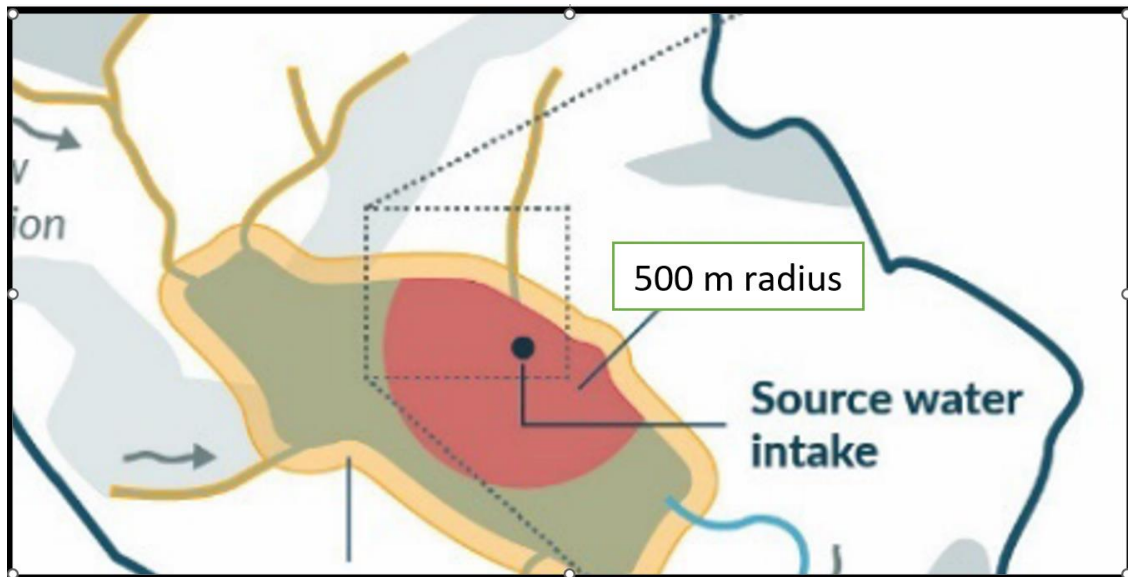
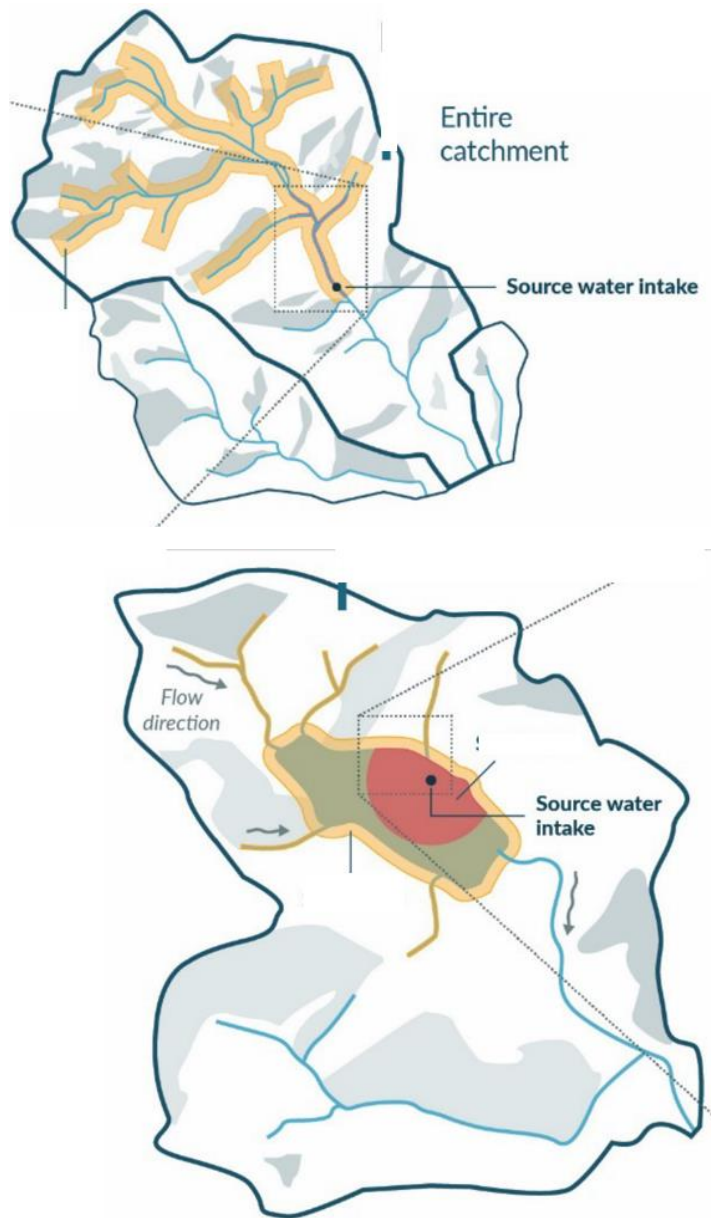


Figure 3: Area comprising the whole source water catchment





## Environmental Science and Policy Committee workshop

21 July 2023

### Wetlands

#### Purpose of this paper

1. The purpose of this paper is to:
  - i. provide an update on mapping Regionally Significant Wetlands,<sup>1</sup> natural inland wetlands, wetland mapping and delineation, and wetland monitoring, and
  - ii. seek guidance from the Environmental Science and Policy Committee on the preferred approach for managing natural wetlands in the proposed Land & Water Regional Plan (pLWRP).

#### Types of wetlands

2. The definition of “wetland” in the Resource Management Act 1991 (RMA) is broad and captures wetlands with fresh water, coastal water, or both fresh and coastal water.<sup>2</sup> The term “natural inland wetland” used in the NESF and NPSFM refers to a subset of “wetlands” and is defined by the NPSFM as:<sup>3</sup>

***natural inland wetland** means a wetland (as defined in the Act) that is not:*

- (a) *in the coastal marine area; or*
- (b) *a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or*
- (c) *a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or*
- (d) *a geothermal wetland; or*
- (e) *a wetland that:*
  - (i) *is within an area of pasture used for grazing; and*
  - (ii) *has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless*
  - (iii) *the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply*

3. The ‘pasture exclusions’ in (e) were significantly strengthened in December 2022. These changes are the main reason why we are seeking additional policy guidance at this time.

#### Direction in higher order planning instruments

4. The Government’s direction for managing wetlands is a complex space. It includes provisions in the National Policy Statement for Freshwater Management (NPSFM), National Environmental

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<sup>1</sup> Currently contained in Schedule 9 of the Regional Plan: Water for Otago.

<sup>2</sup> Section 2 of the RMA defines wetland as follows: “wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”

<sup>3</sup> Clause 3.21 of the NPSFM

Standards for Freshwater (NESF), the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations), and more recently the National Policy Statement for Indigenous Biodiversity (NPSIB).

5. Policy 6 of the NPSFM requires avoidance of any loss of extent of natural inland wetlands, protection of their values, and promotion of their restoration. To give effect to this policy, the NPSFM requires ORC to include policies and rules in the regional plan which prevent the granting of consent for activities which may contravene Policy 6, except in limited circumstances.<sup>4</sup> ORC must give effect to these requirements in the ORPS and regional plan.
6. The NESF includes regulations for natural inland wetlands, which are essentially rules, and these do not need to be duplicated in the regional plan. The NESF allows consent pathways for certain activities in or near natural inland wetlands, as well as more streamlined rules regarding discharges in or near these wetlands.<sup>5</sup> These activities include:
  - i. vegetation clearance and earthworks,
  - ii. taking, using, damming, or diverting water,
  - iii. discharges of water or contaminants,
  - iv. harvest of sphagnum moss, quarrying, mining, infrastructure, landfills and urban development.
7. The NESF allows regional plans to be more stringent than the NES.<sup>6</sup> If a regional plan does contain additional stringency, the s32 evaluation report for the plan must examine whether that stringency is justified in the circumstances of the relevant region.<sup>7</sup>
8. The Stock Exclusion Regulations also apply to natural wetlands<sup>8</sup> and restrict the access of certain types of stock to many of these water bodies. The Government is also considering amendments to the Stock Exclusion Regulations to improve how they identify low slope land and avoid capturing lower intensity farming.<sup>9</sup>
9. Like the NESF, the Stock Exclusion Regulations allow regional plans to be more stringent.<sup>10</sup>

#### **Previous direction from Council**

10. Council has already provided some direction on the management of wetlands, including that it is appropriate to follow the central government direction in the NES-F, and that the pLWRP needs to focus on retaining all wetlands, not just the 'iconic' ones which is consistent with the approach in the NPSFM and NESF. With the changes to the NESF in December 2022, particularly

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<sup>4</sup> Clauses 3.21 and 3.22(3) of the NPSFM include an effects management hierarchy for these limited activities,

<sup>5</sup> Regulations 55(3) - (6) of the NESF

<sup>6</sup> Regulation 1(6), NESF

<sup>7</sup> Section 32(4), RMA

<sup>8</sup> The Stock Exclusion Regulations apply to "natural wetlands" which has the same definition as "natural inland wetland" without the exclusion in the coastal marine area, meaning the Stock Exclusion Regulations do apply in the coastal marine area.

<sup>9</sup> More information is available from <https://consult.environment.govt.nz/freshwater/low-slope-map-for-lower-intensity-farming/>

<sup>10</sup> Regulation 19, Resource Management (Stock Exclusion) Regulations 2020

the difficult to implement pasture exclusion, the direction to follow the central government direction needs to be re-checked.

11. Council also noted that, as wetland identification and mapping are significant and long-term tasks, the pLWRP should consider what can be delivered in the intervening period, including the re-assessment and re-mapping of wetlands that are currently identified as regionally significant wetlands in the operative plan and the framework for managing these, measures to protect wetland condition, and requirements for fencing.
12. Council identified that there may be instances where it is necessary to reduce the extent of a wetland to ensure the ongoing operation and maintenance of critical infrastructure that is necessary for safety reasons or access. Amendments were made to the NPSFM and NESF in December 2022 to expand the definition of 'specified infrastructure', which is exempt from some of the more stringent requirements in those documents. This is consistent with Council's previous direction and therefore we do not require further direction on this.

#### **Previous direction from mana whenua**

13. At a high level, mana whenua support the previous direction for wetlands provided by Council, particularly regarding the emphasis on retaining 'all' wetlands rather than only regionally significant wetlands. Emphasis in feedback from mana whenua was also placed on the NPSFM policy requiring no further loss of extent or values of wetlands (see Policy 6 of the NPSFM).
14. Mana whenua continue to emphasise the need to view wetlands through the lens of Te Mana o te Wai, and to recognise that all wetlands have value and connection to other ground and surface waterbodies, that they sustain mahika kai and taoka species and that they have important hydrological, water quality and ecological roles to play in ensuring the resilience of catchments. Where there are opportunities for degraded wetlands to be returned to health, mana whenua support this restoration in accordance with hauora principles.

#### **Progress towards mapping wetlands in Otago**

15. The NPSFM requires all natural inland wetlands to be mapped by 2030.
16. Under the Government's directive, ORC devised an Otago Wetland Mapping and Inventory Programme. The programme comprises three phases:
  - i. mapping and delineating Natural Inland Wetlands in the Upper Taieri Scroll Plains (Phase 1),
  - ii. re-visiting and revising maps of the Regionally Significant Wetlands (Phase 2), and
  - iii. mapping and delineating natural wetlands in the rest of the region (inland and coastal) that are either larger than 500m<sup>2</sup>, or smaller than 500m<sup>2</sup> if known to contain threatened species or ephemeral wetlands (Phase 3).
17. Phases 1 and 2 were completed in 2021-22 and 2022-23 and an inventory has been developed. Phase 3 represents a significant body of work that may take several years to complete as Otago contains large areas of dissected hill country and upland landforms that will contain many thousands of smaller wetlands. For this reason, mapping has been prioritised as follows:
  - i. Phase 3.1: Dunedin & Coast FMU and Upper Lakes rohe (financial year 2022-23)

- ii. Phase 3.2: North Otago FMU, Lower Clutha rohe and Catlins FMU (financial year 2023-24)
  - iii. Phase 3.3: Taiari FMU, Manuherehia rohe, Dunstan rohe and Roxburgh rohe (financial year 2024-25)
18. Phase 3.1 mapping has been completed and is currently being checked for accuracy and precision. The mapping to date has involved reporting on wetland hydrology, ground wetness index, land curvature (the likelihood of land to be wet in an event of annual and seasonal high-water levels).
19. Alongside wetland hydrology and topography, the current state of the wetland was also assessed on its vegetation diversity (regardless of whether indigenous or non-indigenous species) and the proportion of the area that is dominated by vegetation that prefers wet soils/conditions. Vegetation cover was ranked based on vegetation preference for wet, dry and / or intermittent conditions. If more than 50% of the vegetation cover comprised species that prefer or tolerate wet conditions, then the area was considered a natural wetland.
20. The guidelines<sup>11</sup> used for the mapping undertaken in financial years 2021-22 and 2022-23 were developed before the 'pasture exclusion' amendments were made to the NPSFM definition of "natural inland wetland" in December 2022 and there is a risk that the validity of the work may be challenged.
21. New tools have also been introduced to support the amended definition. The amendments and new tools will result in a substantial increase in the time and resources required to map wetlands due to the need for seasonally constrained field visits and special expertise. In addition to this, the changes to the NPSFM definition could result in the loss of protection for natural wetlands that were previously mapped and that are currently exhibiting significant natural wetland values.
22. As a test, a subset (~1%) of recently mapped natural wetlands in the Upper Taiari Scroll Plain were reassessed and the preliminary result suggests that nearly 50% of the previously mapped wetland area in the Scroll Plain will be identified as pasture and non-wetland area. This reassessment took six months of expert time and cost \$150,000. In addition to the pasture exclusion assessment, the NPSFM also directs the use of the Wetland Delineation Protocols to delineate natural wetland in case of uncertainty or dispute about its existence or extent. In 2022-23, 20 out of 171 Regionally Significant Wetlands were delineated according to the protocol. This exercise took four months of expert time in the field and cost \$45,000.
23. Under clause 3.23(6) of the NPSFM a wetland monitoring plan is to be developed and undertaken that:
- i. monitors the condition of its natural inland wetlands, and

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<sup>11</sup> Guidance to support the interpretation of the National Policy Statement for Freshwater Management 2020 and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 <https://environment.govt.nz/assets/publications/Defining-natural-wetlands-and-natural-inland-wetlands.pdf>  
Wetland mapping methods: proof of concept (<https://environment.govt.nz/publications/wetland-mapping-methods-proof-of-concept/>)

- ii. contains sufficient information to enable the council to assess whether its policies, rules, and methods are ensuring no loss of extent or values of those wetlands.
24. ORC's Otago Wetland Monitoring Programme includes a framework for selection of representative wetlands in Otago for regular monitoring of extent and condition. We are also finalising a framework for monitoring the condition of natural inland wetlands that will enable us to report on progress towards achieving target attributes states and environmental outcomes.

#### **Planning response**

25. Given the change in government direction, particularly the pasture exclusion from the definition of wetlands, advice is sought on the management of wetlands. Two broad options are available:
- i. Follow the revised NESF, with no additional stringency
  - ii. Protect a wider range of wetlands – similar to the direction previously given.

#### Option 1: Comply with NESF and Stock Exclusion Regulations with no additional stringency

26. This option would adopt the mandatory policies from the NPSFM and apply the restrictions in the NESF and Stock Exclusions Regulations with no additional stringency. Together, this suite of provisions is a significant increase in stringency from the Regional Plan: Water, which focuses primarily on managing regionally significant wetlands.
27. The NPSFM requires regional plans to include objectives, policies, and methods for providing for and promoting the restoration of natural inland wetlands.<sup>12</sup> Under this option, the pLWRP would contain policy direction to promote restoration and rely on the permitted activities set out in the NESF for a range of beneficial activities, such as restoration, wetland maintenance, and biosecurity.
28. In the intervening period between when Council or another technical expert completes wetland assessments, including the exotic pasture assessments, there is considerable uncertainty as to whether or not a wetland is a 'natural inland wetland' and subject to the NESF and Stock Exclusion Regulations. This increases the risk of loss of these wetlands, and also creates compliance and enforcement uncertainty for the public, landowners and the Council. Limiting the controls to only natural inland wetlands would also mean that the broader areas that fall within the RMA definition of wetlands would be unmanaged, which also increases the risk of further loss of wetland values.

#### Option 2: Comply with NESF and Stock Exclusion Regulations + additional stringency

29. This option would take a targeted approach to increasing stringency. There are many ways that the pLWRP could be more stringent than the NESF and/or Stock Exclusion Regulations. A mix of additional types of wetlands with targeted activities being controlled is recommended.
30. In more detail, the following additional controls are suggested:

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<sup>12</sup> Clause 3.22(4), NPSFM.

- i. **Control activities in wetlands that are not protected under the NESF:** With the exclusion of some wetlands from the definition of natural inland wetland, due to a dominance of pasture species, there is an increased risk of loss of these wetlands, particularly ahead of the mapping and assessment required. Particularly damaging activities could be controlled in these naturally wet areas, such as cultivation and earthworks, wide-spread herbicide use, inundation and drainage. Stock access to these areas, other than for intensive winter grazing, would not be controlled.
  - ii. **Requiring exclusion of more stock types:** The Stock Exclusion Regulations only apply to cattle, pigs, and deer. The pLWRP could restrict the access of other stock types (such as sheep or horses) to natural inland wetlands, with a consent pathway if it can be shown that sheep grazing is positive for maintaining the wetland and its wetland values.
  - iii. **Including wetlands and naturally wet areas in the definition of critical source areas:** This would have the effect of excluding these areas from intensive winter grazing, cultivation, draining and requiring their management through Fresh Water Farm Plans.
31. As outlined previously, there would need to be justification for adopting greater stringency in these areas.
  32. ORC is limited in its ability to *require* restoration of a natural inland wetland. However, the pLWRP could also provide additional policy direction to support restoration occurring as part of managing effects on wetlands. For example, the pLWRP could amend the effects management hierarchy by not providing for offsetting or compensation in situations where there is a desire to see restoration of a particular natural inland wetland.

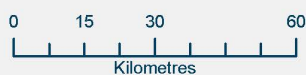
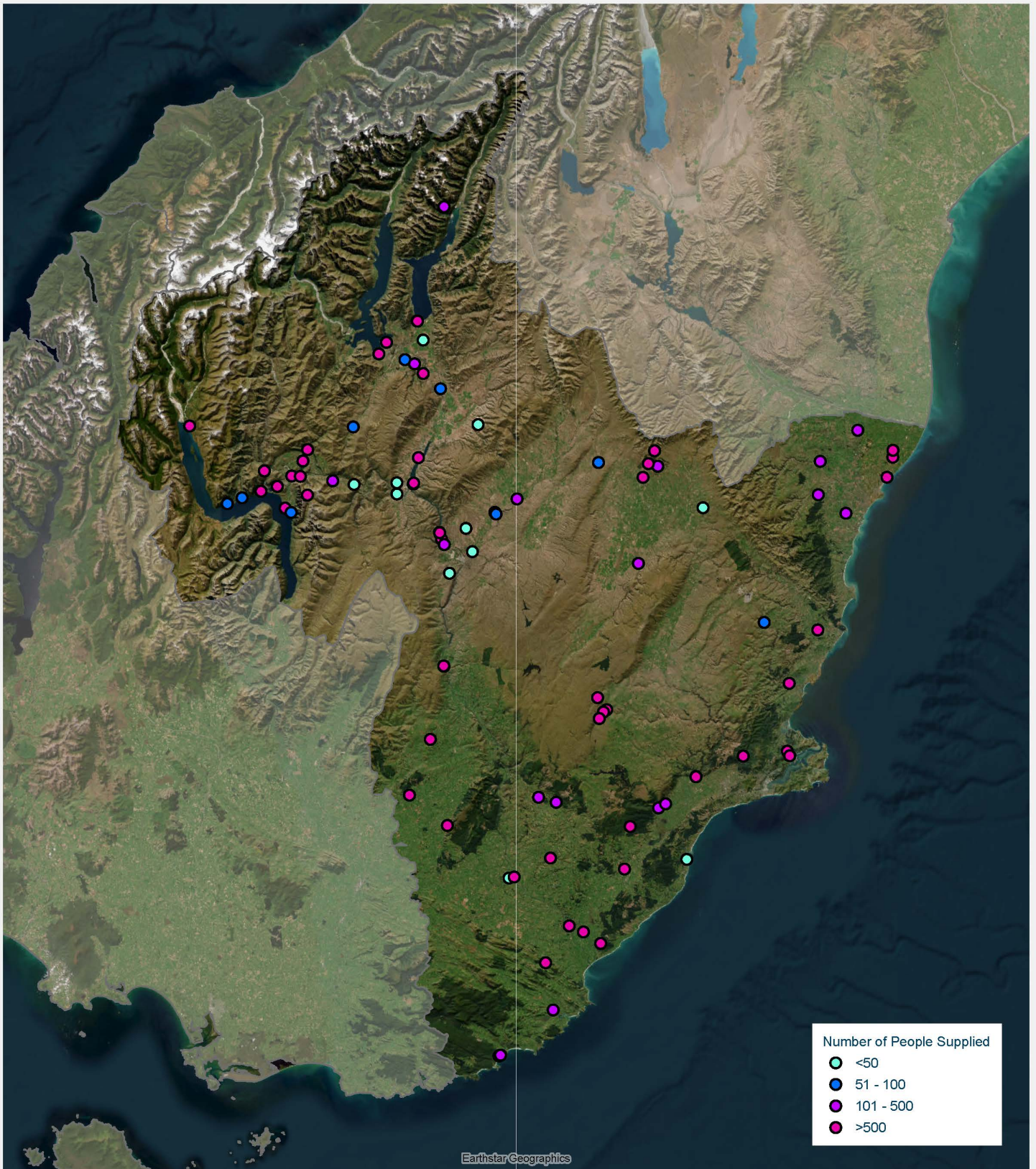
**Key questions for the Environmental Science and Policy Committee**

33. For the management of natural inland wetlands, does the Council support stock exclusion requirements applying to additional stock types (such as sheep and horses)?
34. For the management of wetlands that do not meet the definition of natural inland wetlands, does the Council support controls on the most damaging activities in these areas?



# Drinking Water Supplies

## Drinking Water Supply Locations and Populations Supplied



Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 24/07/2023 at the scale of 1:1,504,239.



# Default drinking water intake protection zones



Default drinking water intake protection zones (indicative only) - Arrowtown



Default drinking water intake protection zones

 Default drinking water intake river protection zones

Number of People Supplied

 >500



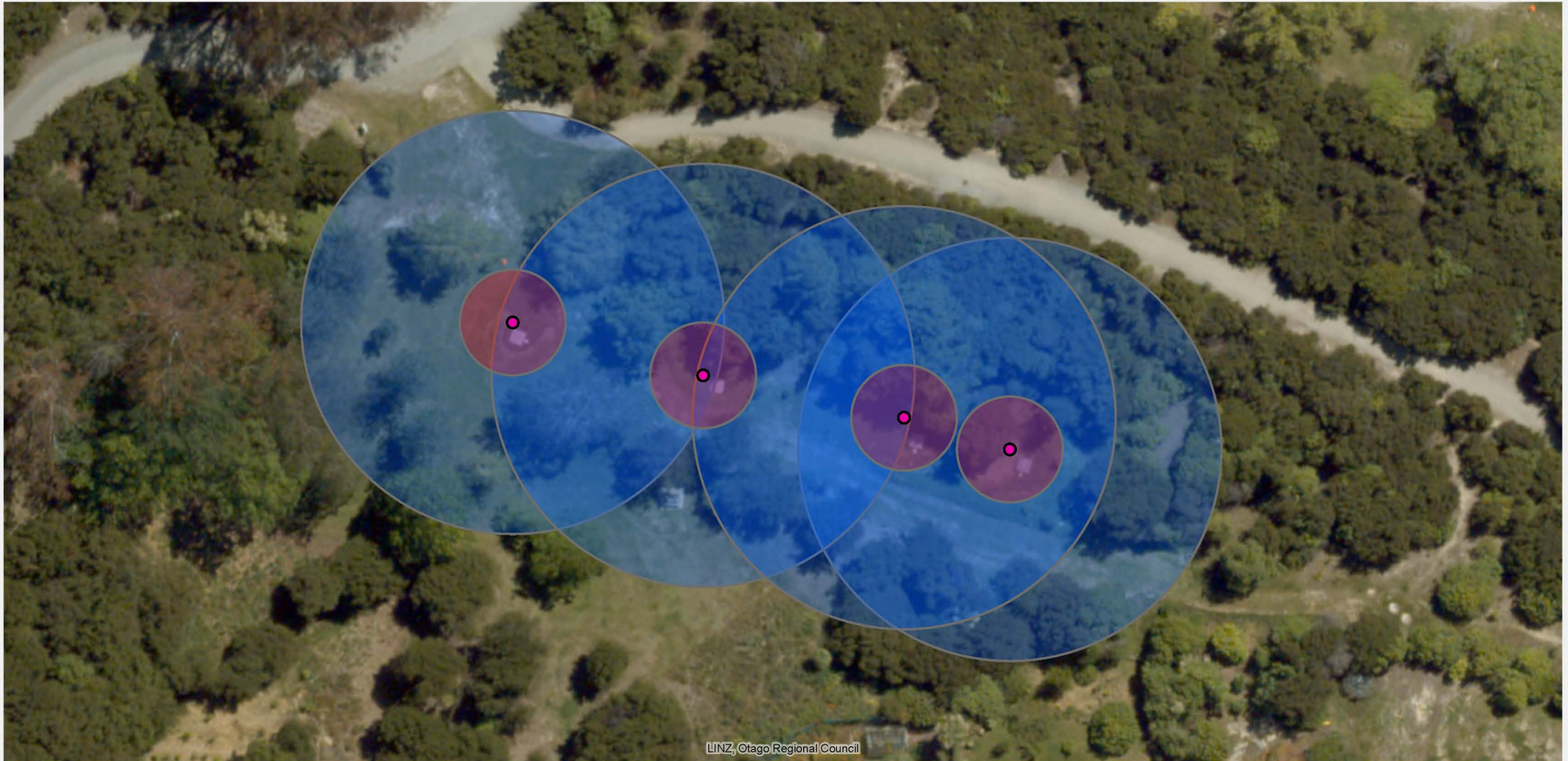
Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 24/07/2023 at the scale of 1:7,417.



# Default drinking water intake protection zones



Default drinking water intake protection zones (indicative only) - Lake Hāwea



LINZ, Otago Regional Council

Default drinking water intake protection zones

Number of People Supplied

● >500

■ Hāwea default drinking water intake 5m protection zone

■ Hāwea default drinking water intake 20m protection zones

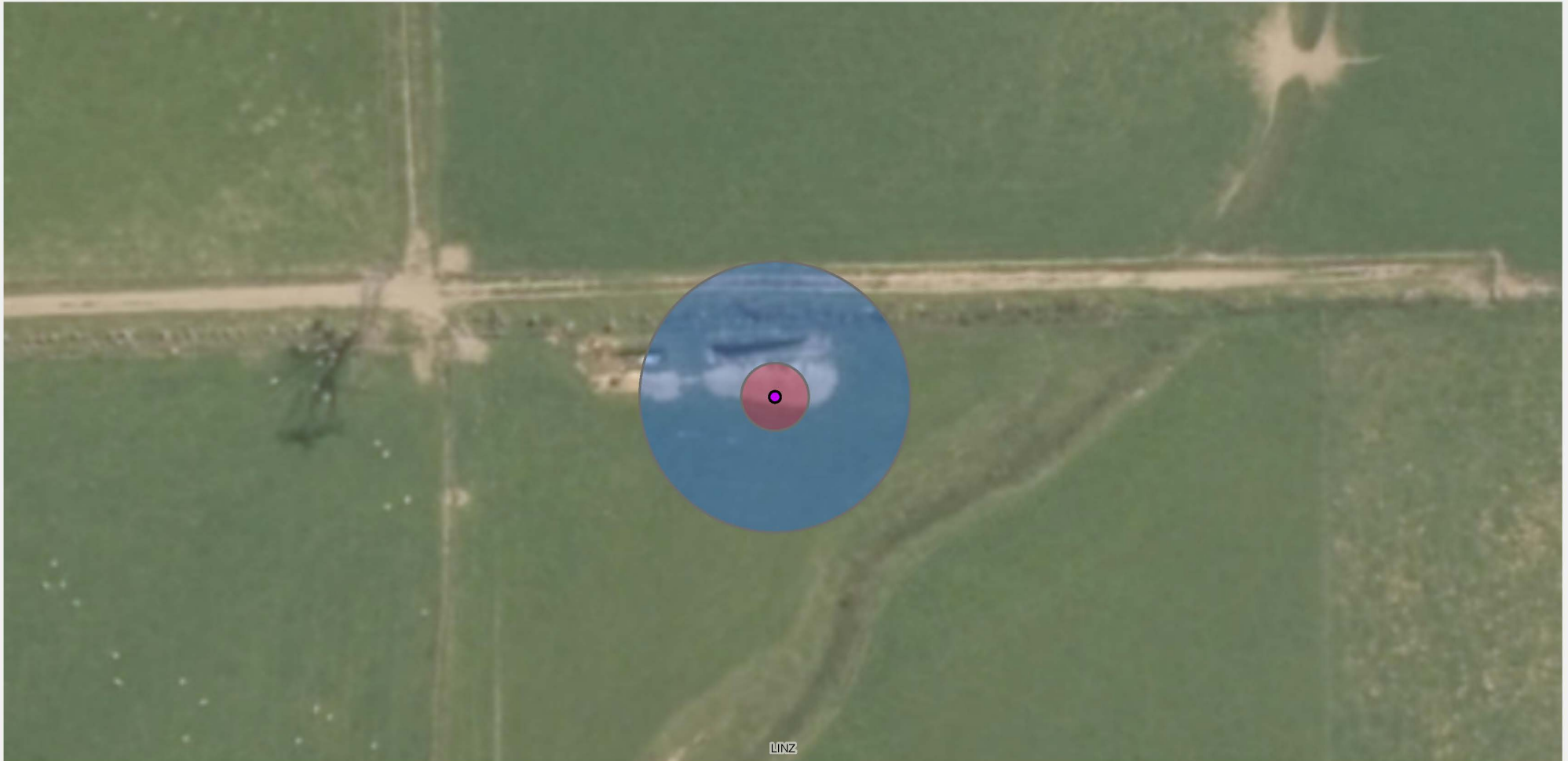


Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 24/07/2023 at the scale of 1:510.

# Default drinking water intake protection zones



Default drinking water intake protection zones (indicative only) - Owaka



Default drinking water intake protection zones

Number of People Supplied

● 101 - 500

■ Owaka default drinking water intake 5m protection zones

■ Owaka default drinking water intake 20m protection zones



Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 24/07/2023 at the scale of 1:796.



# Default drinking water intake protection zones



Default drinking water intake protection zones (indicative only) - Palmerston (bore type)



Environment Canterbury, LINZ, Otago Regional council

Default drinking water intake protection zones

Number of People Supplied

● >500

■ Palmerston default drinking water intake 5m protection zones

■ Palmerston default drinking water intake 20m protection zones



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# Default drinking water intake protection zones




Default drinking water intake protection zones (indicative only) - Palmerston (surface water take type)



Default drinking water intake protection zones

 Default drinking water intake river protection zones

Number of People Supplied

 >500

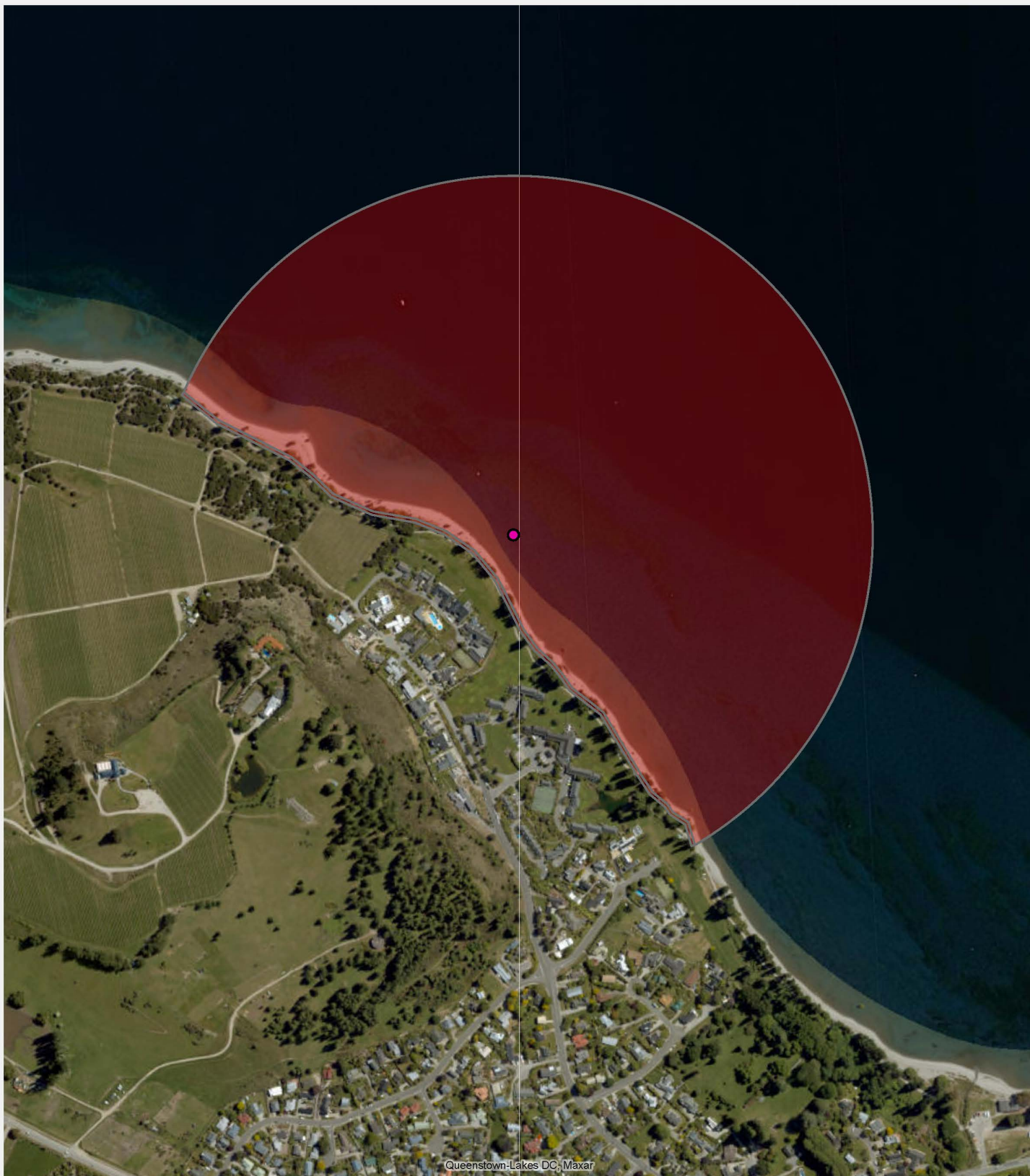


Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 24/07/2023 at the scale of 1:5,401.



# Drinking Water Supplies

Drinking Water Supply Locations and Protection Areas (indicative only) - Lake Wānaka



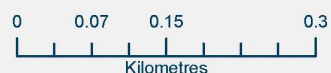
Queenstown-Lakes DC, Maxar

Default drinking water intake protection zones

Lake Wānaka default drinking water intake protection zones

Number of People Supplied

● >500



Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it. This map was generated for A4 printing on 24/07/2023 at the scale of 1:7,104.

### 8.5. SPS2320 Amendment to ToR for LWRP Governance Group

**Prepared for:** Council

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**Report No.** SPS2320

**Activity:** Governance Report

**Author:** Fleur Matthews, Manager Policy; Tom De Pelsemaeker, Team Leader  
Freshwater and Land

**Endorsed by:** Anita Dawe, General Manager Policy & Science

**Date:** 26 July 2023

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#### **PURPOSE**

- [1] The purpose of this paper is to the amended Terms of Reference (ToR) for the Land and Water Regional Plan Governance Group (GG).

#### **EXECUTIVE SUMMARY**

- [1] As part of seeking Council's approval for a six-month extension for notifying the proposed Land and Water Regional Plan (pLWRP), the Executive Leadership Team committed to conducting a 'health check' of the pLWRP project.
- [2] The project review identified that some realignment of functions for the GG would additional efficiencies, especially given the significant time pressures that the project has.
- [3] At its meeting on 28 June 2023, Council discussed recommendations for a new governance model for the development of the pLWRP through to notification.
- [4] Staff have now updated the GG's ToR in accordance with the resolution adopted by Council at its meeting on 28<sup>th</sup> June 2023.

#### **RECOMMENDATION**

*That the Council:*

- 1) **Notes** this report.
  
- 2) **Adopts** the amended Terms of Reference for the Land and Water Regional Plan Governance Group.

#### **BACKGROUND**

- [5] As part of seeking approval for a six-month extension for notifying the pLWRP, the Executive Leadership Team committed to conducting a 'health check' of the pLWRP project. The purpose of the health check was to ensure that the project was set up to succeed, and had the right resources, support and processes to achieve the revised timelines.
-

- [6] The project health check has been completed and has resulted in a range of operational changes to maximise efficiencies.
- [7] The project review also highlighted that the current GG is performing two functions – the first is project management oversight, and the second is providing policy direction for the pLWRP.
- [8] The project review identified that some realignment of functions for the GG would additional efficiencies, especially given the significant time pressures that the project has.
- [9] At its meeting on 28 June 2023, Council was presented Report No. SPS2313 outlining recommendations for a new governance model for the development of the pLWRP through to notification.<sup>1</sup> A summary of key aspects of this recommended governance model relevant to the function, scope and structure of the GG is outlined below:
- a. The GG would:
    - i. have a focus on the project management, including risks, resources, timelines, and roadblocks, as well as a single policy objective to ensure that policy direction provided to staff is consistent with and implements Te Mana o te Wai;
    - ii. comprise a total of six members, with the current two ORC Councillors, the current Murihiku representative and the current two Ōtākou representatives, plus the addition of the ORC Co-Chair of the Environmental Science & Policy Committee;
    - iii. meet fortnightly for one hour;
    - iv. report to Council at every meeting against milestones;
    - v. ensure policy decisions were consistent with and implementing Te Mana o te Wai.
  - b. There would be a feedback loop from the Environmental Science and Policy Committee (ESP Committee) to the GG, to ensure any concerns were able to be addressed at a high level.
  - c. Any policy direction papers would be managed through workshops with the ESP Committee, and then Council papers as required.

## DISCUSSION

- [10] Following discussion around the recommended governance model outlined in Report No. SPS2313 the following resolutions were adopted by Council at the 28<sup>th</sup> June 2023 meeting:

*That the Council*

- 1) *Notes this report.*

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<sup>1</sup> <https://www.orc.govt.nz/media/14504/council-meeting-agenda-28-june-2023.pdf>

- 2) *Directs the Land and Water Regional Plan Governance Group to refocus its functions and scope to the following two matters*
  - a. *project management including risk oversight, and*
  - b. *to ensure implementation of Te Mana o te Wai; and*
- 3) *Notes the Governance Group will comprise 6 members - being Chair Robertson, and Councillors Noone and McCall, two Ōtākou runaka members and one Murihiku member.*
- 4) *Directs staff to amend the Terms of Reference for the Land and Water Regional Plan Governance Group to reflect the decisions made in this paper.*
- 5) *Decides that the LWRP Governance Group has a dedicated chair Cr Robertson and an alternative Edward Ellison.*

[11] In accordance with the above resolution staff have now updated the GG's ToR. An updated version of the ToR showing the amendments in tracked changes is shown in Attachment A, while a clean version of the amended ToR is shown in Attachment B.

### **OPTIONS**

[12] The GG's ToR have been updated in accordance with the Council's resolution. Therefore, no alternative option has been developed by staff. However, Council could choose not to adopt the proposed amendments to the GG's ToR which would be inconsistent with the Council resolution.

### **CONSIDERATIONS**

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

[13] ORC is responsible for implementing new national direction and regulations, including by notifying new or updated regional policy statements and regional plans that set out how ORC will give effect to the relevant higher order documents. ORC has committed to a work programme with the Minister for the Environment which includes notifying a new pLWRP by 30 June 2024.

[14] The new pLWRP will contribute to fulfilling Council's objectives under ORC's Strategic Directions of leading environmental management in Otago, in partnership with mana whenua; promoting collaboration with territorial authorities and others to achieve resilient and sustainable communities; and promoting a healthy and resilient environment whose capacity for sustaining life and ecosystem health is enhanced and sustained.

#### **Financial Considerations**

[15] The Policy Team administers existing budgets for the development of the pLWRP. Any expenditures associated with the development of the pLWRP, including the ongoing operation of the GG under its amended ToR, are funded from these budgets.



**Significance and Engagement**

- [16] The decisions sought by this paper are not considered significant when assessed against *He Mahi Rau Rika: ORC Significance, Engagement and Māori Participation Policy*. The Policy considers the role and structure of the GG to be consistent with legislative requirements.

**Legislative and Risk Considerations**

- [17] The pLWRP will be developed in accordance with the requirements prescribed by the NPS-FM and the RMA.

**Climate Change Considerations**

- [18] There are no direct climate change considerations relevant to this report.

**Communications Considerations**

- [19] There are no communications considerations relevant to this report.

**NEXT STEPS**

- [20] Regular GG meetings will be scheduled for the remaining term of the GG, which will be until the delivery of the new LWRP.

**ATTACHMENTS**

Nil

# Land and Water Regional Plan Governance Group

## Terms of Reference

Updated [July 2023](#)

## 1 Context

### 1.1 Background

The Otago Regional Council (ORC) is embarking on a work programme to develop a proposed new Land and Water Regional Plan (LWRP) that is ready to be publicly notified by ~~31 December 2023~~[30 June 2024](#).

Working in partnership with Iwi and recognising that Te Mana o Te Wai is central and integral to the sustainable management of freshwater, the programme will take a holistic and integrated approach to:

- developing effective and practical planning responses that address current and likely future challenges for freshwater management in Otago; and
- setting clear standards and targets for achieving the environmental outcomes imposed under National Direction Instruments and the goals and aspirations of mana whenua and local and wider community.

The new LWRP, which will be prepared in accordance with the National Planning Standards, must ensure that Otago's freshwater management framework meets all relevant regulatory requirements by giving full effect to higher order planning documents, including:

- the Resource Management Act 1991 (RMA),
- any relevant National Policy Statements, and
- ORC's new proposed Regional Policy Statement (Initially, notified on 26 June 2021 [with the freshwater planning instrument parts of the pORPS21 re-notified on 30 September 2022](#).)

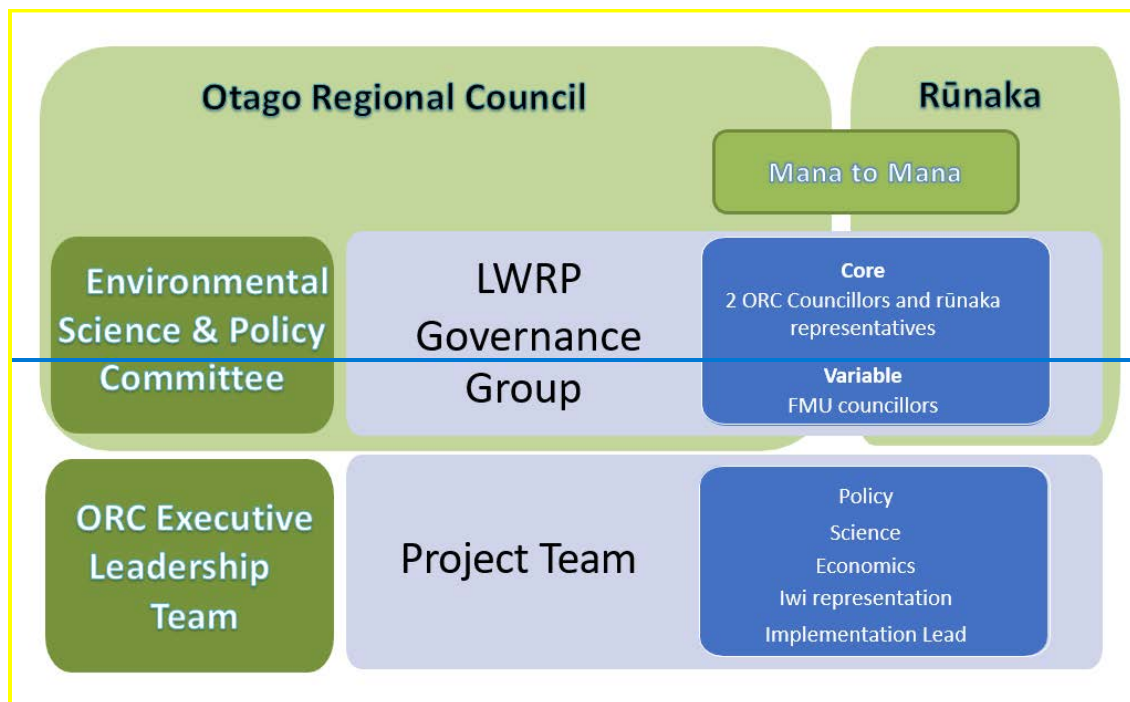
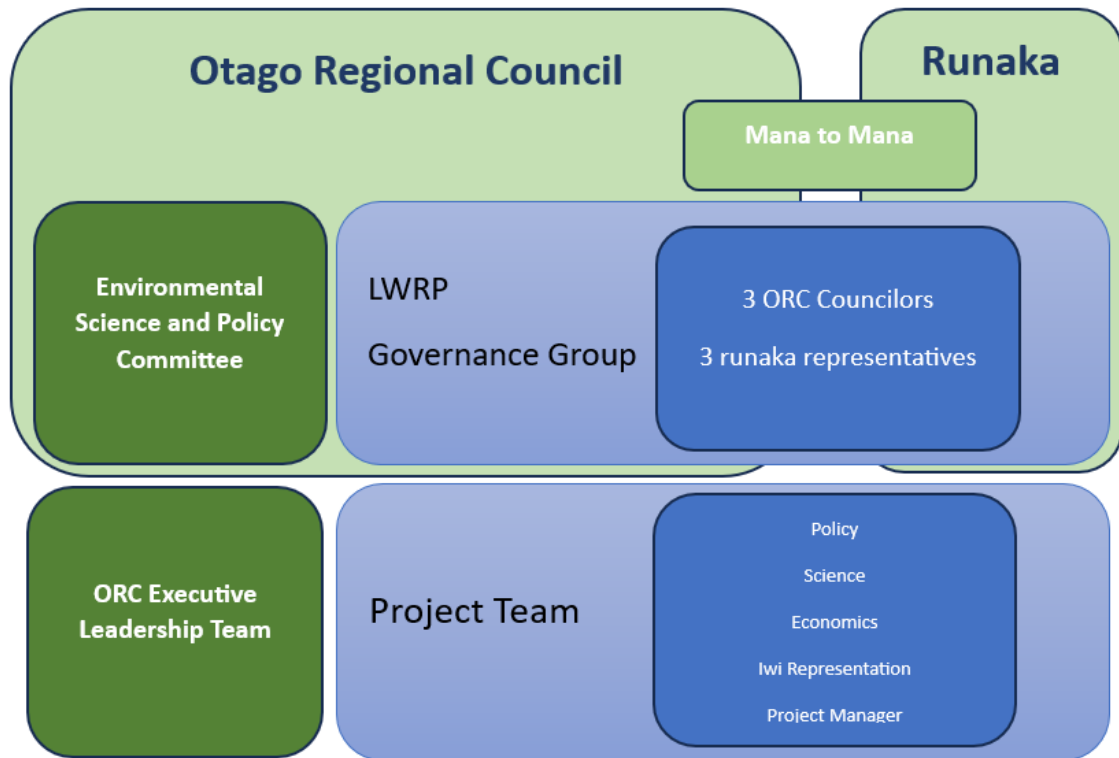
### 1.2 LWRP Work Programme

There are three workstreams to the LWRP work programme:

1. An evaluation of the operative Regional Plan: Water for Otago (Water Plan) and operative Regional Plan: Waste for Otago (Waste Plan). This workstream has been completed and reported back to the Governance Group.
2. The development of a region-wide framework for managing land and freshwater resources, including region-wide objectives, policies and both regulatory and non-regulatory methods. This workstream will span the period from the completion of the Water Plan and Waste Plan evaluations until the public notification of the new LWRP, which must occur by 31 December 2023.
3. A staged delivery of separate Freshwater Management Unit (FMU) and Rohe chapters, with area-based plan provisions. This third workstream will be undertaken largely in parallel with the two other workstreams and is likely to span the period July 2020 to the date the new LWRP is publicly notified.

**1.3 LWRP Governance Structure**

Working with our Iwi partners, a tiered governance structure is proposed as outlined below.



The governance structure is to achieve the following outcomes:

- [Provide oversight and support the delivery of the project including monitoring timelines; and](#)
- [Support the project to identify, monitor, and mitigate potential risks; and](#)
- Enable iwi to appropriately resource their engagement with the LWRP development process while ensuring Council is able to fulfil its Treaty of Waitangi obligations; and
- Provide for direct engagement between councillors and our communities; and
- Define and implement governance (strategic and policy direction) appropriate to the programme as opposed to provision of drafting; and
- [Ensure policy decisions were consistent with and implementing Te Mana o te Wai.](#)
- To recognise and give effect to the partnership between Iwi and ORC,
- Provide clarity and certainty as to responsibility for decision-making during the development of the LWRP; and
- [Provide clarity of purpose at each level and avoidance of overlap between roles and responsibilities.](#)

#### 1.4 Roles and responsibilities

The roles and responsibilities of different bodies within the LWRP governance structure with regard to the development of a new LWRP are as follows:

##### 1.4.1. Council

- To adopt a proposed LWRP for any of its functions specified under the Resource Management Act 1991, including the establishment of objectives, policies and methods for:
  - managing discharges of contaminants and water to water; and
  - managing the taking, use, damming and diversion of water; and
  - managing the quantity, level and flow of water in any water body; and
  - achieving the integrated management of the natural and physical resources of a region; and
  - maintaining indigenous biological diversity.

##### 1.4.2. Mana to Mana

- To provide a forum for relationship strengthening between ORC and Mana whenua and collaboration on developing responses for improving environmental sustainability; and
- To ensure awareness and providing clarity of understanding of and responsiveness to Mana whenua values, aspirations and priorities in respect to the environment.
- To ensure Te Mana o te Wai is understood and given effect to, through the LWRP GG

##### 1.4.3. ORC ~~Environmental Science and Policy Strategy and Planning Committee (ESPS&P Committee)~~:

- To provide guidance in the development of the strategic approach to addressing key freshwater and land use management issues in the region and to ensure consistency with other Council strategies.

##### 1.4.4. LWRP Governance Group (A ~~Council established working group~~ ~~subcommittee of the S & P Committee~~)

- To safeguard the integration of the fundamental concept Te Mana o Te Wai and its articulation in the NPSFM and the objectives, policies and FMU/Rohe visions in the Proposed Regional Policy Statement, and
- ~~To provide policy guidance to the [ESPS&P Committee](#) and provide assistance in the development of integrated responses to the key freshwater and land use management issues in the region; and~~
- ~~To be a sounding board for solutions to resource management issues; and~~

- ~~● To liaise with Councillors and mana whenua who are not on the governance group~~
- To oversee the project management-related aspects of the development of the LWRP.

**1.4.5. ORC Executive ~~Management Leadership~~ Team**

- To provide guidance and oversight of the day-to-day functioning of the ORC's ~~regional project~~ teams delivering the 3 LWRP workstreams.

**1.4.6. The ~~Project~~Regional Team**

- To identify key freshwater and land use management issues, both in the region and at an FMU/Rohe level, and develop a strategic approach and regional management framework and FMU/Rohe-specific planning responses, to address these.

**~~1.4.7. The FMU teams~~**

- ~~● To identify freshwater issues and establish freshwater values at FMU, Rohe or local scale and develop an FMU/Rohe specific management framework consisting of both regulatory and non-regulatory responses to address these.~~

## 2 Purpose of LWRP Governance Group

In addition to matters outlined in clause 1.1.4 above and giving effect, at governance level, to the partnership between ORC and Iwi, the purpose of this group is to:

- Oversee the project management, including identifying and considering risks, roadblocks, and resourcing needs and monitoring overall progress of the project against agreed project milestones and timelines; and
- Ensure that policy direction provided to staff is consistent with and implements Te Mana o te Wai Assist with articulating local approaches to implementing Te Mana o Te Wai for Otago; and
- Provide a regular platform for discussion around identification, prioritisation and responses to known and emerging resource management issues at a region-wide and FMU level; and
- Provide direction on matters, such as the need for transition, adaption and implementation strategies and measures that might arise, as Council seeks to develop an effective, practical and forward-looking land and freshwater environmental management regime that fulfils all the requirements of the RMA and realises Iwi and wider community goals and aspirations; and
- Provide a mechanism for Kāi Tahu issues, and potential solution to be discussed; and
- Alert ORC's executive leadership when risks or issues are identified with respect to the development of the LWRP; and
- Identify any matters that require escalation to the ESPS&P Committee; and
- Report to Council on progress against key milestones.

As noted above this group is a Council established working group, that reports to sub-committee of Council and Council's ESPS&P Committee. It does not have any delegated decision-making role, but rather acts as an advisory body to Council, the ESPS&P Committee, the Regional Project Team, and the FMU teams.

The Group is not mandated to draft the provisions of the proposed LWRP or become involved in 'operational' aspects of the development of that regional plan. It is however expected to champion the draft plan at both ESPS&P Committee and Council.

Any policy direction papers would be managed through workshops with the Environmental Science and Policy ESP Committee, and then Council papers as required.

## 3 Membership

### 3.1 Permanently appointed members

The Group will consist of a maximum of 7-6 permanently appointed members as follows:

- 2-3 permanent ORC Councillors appointed by the S&P Committee Council; and
- 4-2 permanently appointed Kāi Tahu ki Ōtākou rūnaka representatives, with at least two-one attending each meeting; and

- 1 permanently appointed Ngāi Tahu ki Murihiku representative, who can be any one of the Board members of Te Ao Mārama, representing Awarua Rūnaka, Waihopai Rūnaka and Ōraka-Aparima Rūnaka.

In fulfilment of the duties and obligations on Council arising from the Treaty of Waitangi, the role for Mana Whenua on the Group is to give expression to rūnaka values, aspirations and priorities in respect to the environment and to ensure that these are clearly expressed, and particular regard is had to them. Mana whenua on the Group will be rūnaka representatives selected by Kāi Tahu Papatipu Rūnanga ki Ōtākou.

### 3.2 Non permanent members

In addition to the permanently appointed members, Councillors who are responsible for a specific FMU are provided with Governance Group membership on a temporary basis for the period when staff are consulting in the FMU. Table 1 below sets out which councillors are responsible for which FMU/Rohe.

**Table 1: FMUs/Rohe and responsible Councillors**

Freshwater Management Unit/rohe	Councillor
Upper Lakes Rohe	Michael Laws, Gary Kelliher
Dunstan Rohe	Alexa Forbes
Manuherekia Rohe	Kevin Malcolm, Tim Mepham
Roxburgh Rohe	Gary Kelliher, Kate Wilson, Michael Laws
Clutha/Mata-au	Kate Wilson, Bryan Scott, Michael Deaker
Lower Clutha Rohe	Andrew Noone, Alan Somerville, Carmen Hope
Taieri FMU	Gretchen Robertson, Lloyd McCall
Dunedin & Coast FMU	Bryan Scott, Elliot Weir
Catlins FMU	Kate Wilson, Lloyd McCall
Arrow & Cardrona (part of Dunstan rohe)	Bryan Scott
North Otago FMU	Kevin Malcolm, Elliot Weir

In addition to the permanently appointed members of the committee, non permanent Councillors and iwi partners are welcome to attend in an observational capacity, any meeting of the group, as set out in section 4.1 below.

### 3.2 Succession

If a permanently appointed ORC Councillor member of the Governance Group leaves, Council the S&P Committee will appoint a replacement member.

If a permanently appointed rūnaka representative leaves, the relevant Papatipu Rūnaka will appoint a replacement.



## 4 Attendance at the Governance Group meetings

### ~~4.1 — Members of Rūnaka leadership and ORC Councillors~~

~~In addition to the permanently appointed and non-permanent members of the Governance Group, any members of rūnaka leadership and any ORC Councillor that is not sitting on the Governance Group at the time, can attend any meeting of the group as of right, in an observational capacity, as it facilitates succession and allows for expertise in specific areas or FMUs/Rohe to be shared with the Group's members.~~

#### 4.24.1 **Third parties, staff and the public**

Third parties and ORC, Aukaha and Te Ao Mārama staff may be invited to the Governance Group meetings by permanently appointed Governance Group members, when asked to provide technical information or present papers for discussion.

As Governance Group meetings are not public Council or Committee meetings, Governance Group meetings are not open to the public to attend.

## 5 Group Chair

~~The current Chairperson of Council will chair the Governance Group meetings with an alternate Chair being appointed to act in the absence of the Chair. There will be a monthly revolving chairing system between permanently appointed ORC Councillor members and Rūnaka representative members over the life of the group.~~

## 6 Term

The term of the group will be from July 2020 until the delivery of the new LWRP, consisting of region-wide and area-based provisions (for the individual FMUs and Rohe) accompanied by a 'fit for purpose' Section 32 Evaluation Report and a practical implementation plan are completed and the proposed plan is publicly notified, which is to be no later than ~~30 June 2024~~ 31 December 2023.

## 7 Meetings and Meeting Structure

~~The Group will determine meeting frequency. This may vary over the life of the group. Additional workshops or fieldtrips may be required, and advance notice will be given.~~  
The Governance Group will meet monthly.

Each meeting agenda will note the next 3 meeting dates, and the meeting dates will be added to ORC's Governance Forward Planner.

Agendas, accompanying papers and an up-to-date electronic copy of ORC's Governance Forward Planner will be distributed via email 3 working days in advance to:

- all permanent members of the Governance Group; and

- ~~• all ORC Councillors, if they are not permanent members at the time; and~~
- Iwi representatives if they are not permanent members at the time; and
- all relevant Aukaha and Te Ao Mārama staff providing technical support to the Governance Group; and
- all relevant ORC staff providing technical and administrative support to the Governance Group.

Formal minutes will not be created but discussion notes and action items will be recorded and distributed to all permanent ~~and non-permanent members~~ of the Governance Group via email within 3 working days of each meeting.

## 8 Access to Information from Meetings

Every permanent member of the Governance Group, and ORC Councillors and iwi representatives, as well as all relevant ORC, Te Ao Mārama and Aukaha staff providing technical and administrative support to the Governance Group will be provided access to a shared drive. All relevant information will be kept here and will be available to be viewed.

Notes from Governance Group meetings will be uploaded within 5 working days of meetings, and any presentations made to the Governance Group will be uploaded within 48 hours of meetings.

## 9 Roles and responsibilities of the LWRP Governance Group

The role and responsibilities of the permanent members of the Governance Group are to:

- ~~• Champion the development of the LWRP at Council and within the Otago community; and~~
- ~~• Monitor the project management-related aspects of the development of the LWRP, including identifying and considering risks, roadblocks, and resourcing needs and overall progress of the project against agreed project milestones and timelines; and~~
- ~~• Ensure the development of the strategic approach to addressing key freshwater and land use management issues in the region is consistent with and implementing Te Mana o te Wai. ~~to ensure alignment with policy guidance provided by the ES&P Committee and the Mana to Mana forum throughout the different project stages;~~ and~~
- ~~• Report to the ES&P Committee on the LWRP programme, including on progress of workstreams, issues and risks; and~~
- ~~• Assist, support and guide councillor colleagues engaged at the FMU level (the 'non-permanent' councillors); and~~
- ~~• Contribute to thinking and general content of the proposed new LWRP.~~

In addition to the matters above, within the Governance Group the role of the Iwi representatives is also to:

- Ensure the operational teams are aware of Mana Whenua values, aspirations and priorities in respect to the environment and that these are clearly expressed and considered; and

- Be a conduit between mana whenua and the operational teams, facilitating the sharing of mātauranga<sup>1</sup>; and
- Provide guidance or governance direction on "lwi specific issues.

~~In addition to the matters above, within the Governance Group the role of the FMU councillors is to:~~

- ~~• Be a source of local knowledge and a conduit between the community and the FMU Team for local knowledge; and~~
- ~~• Provide guidance or governance direction on "local" (FMU specific) issues.~~

All the Governance Group's permanently appointed and non-permanent members commit to:

- Participating in the Group's proceedings in good faith and to the best of their capabilities; and
- Participating in and contribute to frank and free discussion and to seek workable solutions to issues within the context of what is lawful and must be achieved under the Resource Management Act 1991, and subordinate planning instruments including the NPS-FM; and
- Acting in accordance with the Part 2, Section 10 and Part 2, Section 14 of the Local Government Act 2002; and<sup>2</sup>
- Committing time and effort to the Group for the duration of its proceedings; and
- Being open, honest and acting with integrity; and
- Recognising and considering different world views and the connectedness of everything; and
- Coming to the meetings prepared, making sure to have read all the background material provided; and
- Taking part in the Group's discussions independently and free of any obligations or commitments; and
- Representing the interests of Mana Whenua or the Otago community at large; and
- Reporting any actual or potentially perceived conflicts of interests as detailed in the section on Conflicts of Interest.

### **Role of the Chair**

The role of the Chairperson is to:

- Ensure any positions reached or recommendations made by the Governance Group are clearly recorded during meetings; and
- Play the primary spokesperson for the Group including with the [ESPS&P](#) Committee, ORC Council and ORC executives and staff; and
- Motivate and lead the Group to carry out its role and responsibilities; and
- Ensure a fair and equitable group process; and
- Foster an atmosphere of enquiry, respect, open-mindedness and group learning, supporting the group to strive for unanimous agreement; and
- Ensure the members operate within the Terms of Reference; and
- Request, on behalf of the Group, any technical or administrative support or any technical information that is relevant to the Group's tasks or proceedings.

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<sup>1</sup> Body of knowledge originating from Māori ancestors and includes Māori world view, perspectives, creativity and cultural practices.

<sup>2</sup> Part 2, Section 10 of the Local Government Act 2002 (LGA) sets out the purpose of local government, while Part 2, Section 14 of the LGA outlines the principles relating to local government.

## 10 Reporting

At a minimum, the group will report to Council ~~at every meeting.~~ ~~ESPS&P Committee on a quarterly basis on the various components of the programme.~~

The reporting to Council's ~~ESPS&P Committee~~ must include at least the following:

- A written summary of progress on the development of the LWRP made against the project plan using a consistent and agreed report template; and
- A written summary of any discussion held by the Governance Group; and
- A written overview of policy positions reached or recommendations made by the Governance Group.

## 11 Technical and administrative support

Technical and administrative support to the Group will be provided and/or coordinated by ORC staff. Further technical support may also be provided by Aukaha and Te Ao Mārama staff.

Support by technical staff or experts may include:

- The provision of technical information or presentations at meetings or during workshops (either in person or via video or audio conferencing); and
- The provision of technical information or attendance at fieldtrips; and
- The provisions of background reading material in advance of workshops.

Support by administrative staff may include:

- Programme and project management support; and
- Secretariat support, including organisation of meetings, and preparation and distribution of agendas, background reading and papers, and meeting notes/minutes; and
- Support with reporting to ~~Council and~~ ~~ESPS&P~~ Committee; and
- Organisation of meetings

## 12 Internal processes

A quorum of four permanently appointed members, including at least one rūnaka representative and one permanently appointed ORC councillor, is needed to adopt ~~policy~~ position or ~~policy~~ recommendation.

The Group will strive to make recommendations by consensus. Consensus is defined as every permanently appointed member of the Group present at a meeting agreeing to accept the Group's recommendation.

Where consensus cannot be reached on a topic or specific point, the reasons for the disagreement will be noted, any alternatives defined, and the reasons for positions on the alternatives recorded.

If the Group reaches a ~~policy~~ position or makes a recommendation by consensus all permanently appointed members will be expected to support that ~~policy~~ position.

~~Non-permanent members can only participate in the proceedings of the Group in respect of matters specific to the FMU they represent. They cannot participate in the formulation and adoption of policy positions or policy recommendations of the Group on matters that extend beyond those specific to the FMU they represent.~~

### 13 Conflicts of Interest

Permanently appointed and non-permanent members of the Governance Group are required to disclose any interests they have related to land and freshwater issues in the region to the ORC. If any interest creates a conflict, they must declare this to the ORC.

### 14 Confidentiality

The permanently appointed and non-permanent members of the Governance Group and any other persons attending the Governance Group meetings may be privy to confidential information.

The permanently appointed and non-permanent members of the Group as well as any other persons attending the Governance Group meetings agree to keep such information confidential, unless the Governance Group agrees by consensus to the release of this information.

Details of discussions held within the Group will not be disclosed to outside parties without the unless:

- the Governance Group agrees by consensus to disclose this information; or
- the disclosure of this information is required by law.

The permanently appointed and non-permanent members of the Group as well as any other persons attending the Governance Group meetings must at all times comply with the requirements of the Privacy Act 1993 and keep information about identifiable individuals confidential.

# Land and Water Regional Plan Governance Group

## **Terms of Reference**

Updated July 2023

## 1 Context

### 1.1 Background

The Otago Regional Council (ORC) is embarking on a work programme to develop a proposed new Land and Water Regional Plan (LWRP) that is ready to be publicly notified by 30 June 2024.

Working in partnership with Iwi and recognising that Te Mana o Te Wai is central and integral to the sustainable management of freshwater, the programme will take a holistic and integrated approach to:

- developing effective and practical planning responses that address current and likely future challenges for freshwater management in Otago; and
- setting clear standards and targets for achieving the environmental outcomes imposed under National Direction Instruments and the goals and aspirations of mana whenua and local and wider community.

The new LWRP, which will be prepared in accordance with the National Planning Standards, must ensure that Otago's freshwater management framework meets all relevant regulatory requirements by giving full effect to higher order planning documents, including:

- the Resource Management Act 1991 (RMA),
- any relevant National Policy Statements, and
- ORC's new proposed Regional Policy Statement (Initially, notified on 26 June 2021 with the freshwater planning instrument parts of the pORPS21 re-notified on 30 September 2022).

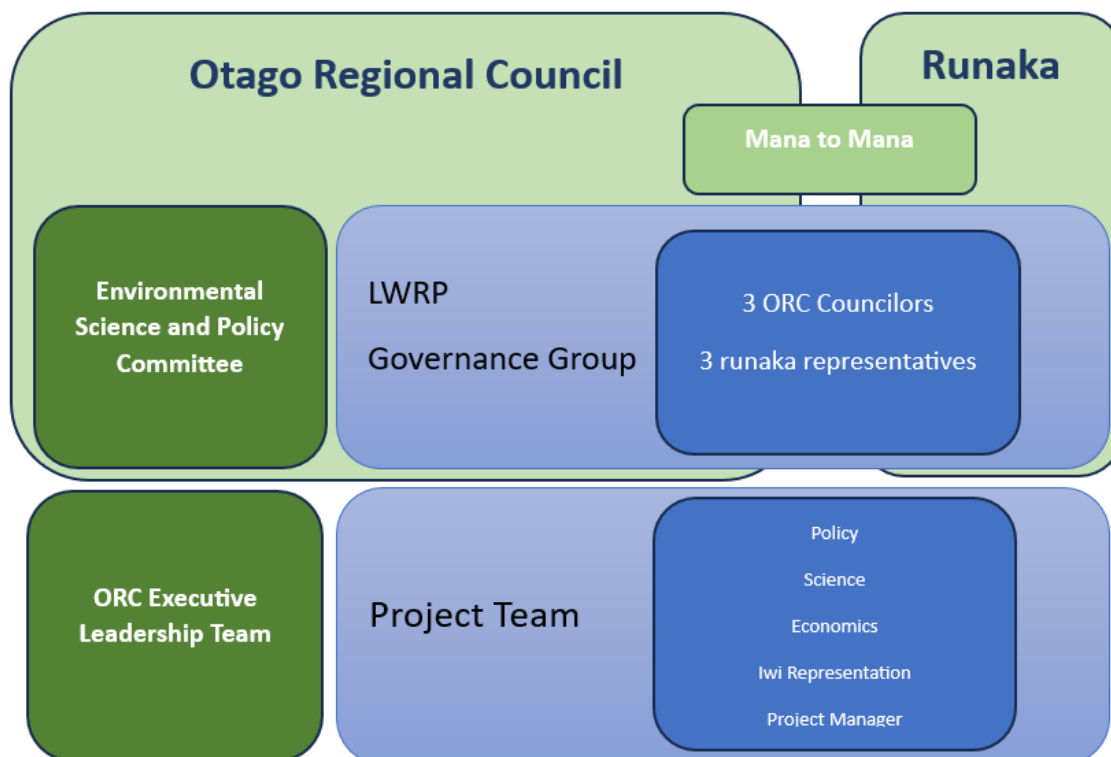
### 1.2 LWRP Work Programme

There are three workstreams to the LWRP work programme:

1. An evaluation of the operative Regional Plan: Water for Otago (Water Plan) and operative Regional Plan: Waste for Otago (Waste Plan). This workstream has been completed and reported back to the Governance Group.
2. The development of a region-wide framework for managing land and freshwater resources, including region-wide objectives, policies and both regulatory and non-regulatory methods. This workstream will span the period from the completion of the Water Plan and Waste Plan evaluations until the public notification of the new LWRP, which must occur by 31 December 2023.
3. A staged delivery of separate Freshwater Management Unit (FMU) and Rohe chapters, with area-based plan provisions. This third workstream will be undertaken largely in parallel with the two other workstreams and is likely to span the period July 2020 to the date the new LWRP is publicly notified.

### 1.3 LWRP Governance Structure

Working with our Iwi partners, a tiered governance structure is proposed as outlined below.



The governance structure is to achieve the following outcomes:

- Provide oversight and support the delivery of the project including monitoring timelines; and
- Support the project to identify, monitor, and mitigate potential risks; and
- Enable iwi to appropriately resource their engagement with the LWRP development process while ensuring Council is able to fulfil its Treaty of Waitangi obligations; and
- Provide for direct engagement between councillors and our communities; and
- Define and implement governance (strategic and policy direction) appropriate to the programme as opposed to provision of drafting; and
- Ensure policy decisions were consistent with and implementing Te Mana o te Wai.
- To recognise and give effect to the partnership between Iwi and ORC,
- Provide clarity and certainty as to responsibility for decision-making during the development of the LWRP; and
- Provide clarity of purpose at each level and avoidance of overlap between roles and responsibilities.

### 1.4 Roles and responsibilities

The roles and responsibilities of different bodies within the LWRP governance structure with regard to the development of a new LWRP are as follows:



**1.4.1. Council**

- To adopt a proposed LWRP for any of its functions specified under the Resource Management Act 1991, including the establishment of objectives, policies and methods for:
  - managing discharges of contaminants and water to water; and
  - managing the taking, use, damming and diversion of water; and
  - managing the quantity, level and flow of water in any water body; and
  - achieving the integrated management of the natural and physical resources of a region; and
  - maintaining indigenous biological diversity.

**1.4.2. Mana to Mana**

- To provide a forum for relationship strengthening between ORC and Mana whenua and collaboration on developing responses for improving environmental sustainability; and
- To ensure awareness and providing clarity of understanding of and responsiveness to Mana whenua values, aspirations and priorities in respect to the environment.
- To ensure Te Mana o te Wai is understood and given effect to, through the LWRP GG

**1.4.3. ORC Environmental Science and Policy Committee (ESP Committee):**

- To provide guidance in the development of the strategic approach to addressing key freshwater and land use management issues in the region and to ensure consistency with other Council strategies.

**1.4.4. LWRP Governance Group (A Council established working group)**

- To safeguard the integration of the fundamental concept Te Mana o Te Wai and its articulation in the NPSFM and the objectives, policies and FMU/Rohe visions in the Proposed Regional Policy Statement, and
- To oversee the project management-related aspects of the development of the LWRP.

**1.4.5. ORC Executive Leadership Team**

- To provide guidance and oversight of the day-to-day functioning of the ORC's project team delivering the 3 LWRP workstreams.

**1.4.6. The Project Team**

- To identify key freshwater and land use management issues, both in the region and at an FMU/Rohe level, and develop a strategic approach, regional management framework and FMU/Rohe-specific planning responses, to address these.

## 2 Purpose of LWRP Governance Group

In addition to matters outlined in clause 1.1.4 above and giving effect, at governance level, to the partnership between ORC and Iwi, the purpose of this group is to:

- Oversee the project management, including identifying and considering risks, roadblocks, and resourcing needs and monitoring overall progress of the project against agreed project milestones and timelines; and
- Ensure that policy direction provided to staff is consistent with and implements Te Mana o te Wai; and

- Provide a mechanism for Kāi Tahu issues, and potential solution to be discussed; and
- Alert ORC's executive leadership when risks or issues are identified with respect to the development of the LWRP; and
- Identify any matters that require escalation to the ESPS&P Committee; and
- Report to Council on progress against key milestones.

As noted above this group is a Council established working group, that reports to Council and Council's ESP Committee. It does not have any delegated decision-making role, but rather acts as an advisory body to Council, the ESP Committee, the Project Team.

The Group is not mandated to draft the provisions of the proposed LWRP or become involved in 'operational' aspects of the development of that regional plan. It is however expected to champion the draft plan at both ESP Committee and Council.

Any policy direction papers would be managed through workshops with the ESP Committee, and then Council papers as required.

### **3 Membership**

#### **3.1 Permanently appointed members**

The Group will consist of a maximum of 6 permanently appointed members as follows:

- 3 permanent ORC Councillors appointed by Council; and
- 2 permanently appointed Kāi Tahu ki Ōtākou rūnaka representatives, with at least one attending each meeting; and
- 1 permanently appointed Ngāi Tahu ki Murihiku representative, who can be any one of the Board members of Te Ao Mārama, representing Awarua Rūnaka, Waihopai Rūnaka and Ōraka-Aparima Rūnaka. In fulfilment of the duties and obligations on Council arising from the Treaty of Waitangi, the role for Mana Whenua on the Group is to give expression to rūnaka values, aspirations and priorities in respect to the environment and to ensure that these are clearly expressed, and particular regard is had to them. Mana whenua on the Group will be rūnaka representatives selected by Kāi Tahu Papatipu Rūnanga ki Ōtākou.

#### **3.2 Succession**

If a permanently appointed ORC Councillor member of the Governance Group leaves, Council will appoint a replacement member.

If a permanently appointed rūnaka representative leaves, the relevant Papatipu Rūnaka will appoint a replacement.

## 4 Attendance at the Governance Group meetings

### 4.1 Third parties, staff and the public

Third parties and ORC, Aukaha and Te Ao Mārama staff may be invited to the Governance Group meetings by permanently appointed Governance Group members, when asked to provide technical information or present papers for discussion.

As Governance Group meetings are not public Council or Committee meetings, Governance Group meetings are not open to the public to attend.

## 5 Group Chair

The current Chairperson of Council will chair the Governance Group meetings with an alternate Chair being appointed to act in the absence of the Chair.

## 6 Term

The term of the group will be from July 2020 until the delivery of the new LWRP, consisting of region-wide and area-based provisions (for the individual FMUs and Rohe) accompanied by a 'fit for purpose' Section 32 Evaluation Report and a practical implementation plan are completed and the proposed plan is publicly notified, which is to be no later than 30 June 2024.

## 7 Meetings and Meeting Structure

The Governance Group will meet monthly.

Each meeting agenda will note the next 3 meeting dates, and the meeting dates will be added to ORC's Governance Forward Planner.

Agendas, accompanying papers and an up-to-date electronic copy of ORC's Governance Forward Planner will be distributed via email 3 working days in advance to:

- all permanent members of the Governance Group; and
- Iwi representatives if they are not permanent members at the time; and
- all relevant Aukaha and Te Ao Mārama staff providing technical support to the Governance Group; and
- all relevant ORC staff providing technical and administrative support to the Governance Group.

Formal minutes will not be created but discussion notes and action items will be recorded and distributed to all permanent members of the Governance Group via email within 3 working days of each meeting.

## 8 Access to Information from Meetings

Every permanent member of the Governance Group, and ORC Councillors and iwi representatives, as well as all relevant ORC, Te Ao Mārama and Aukaha staff providing technical and administrative support to the Governance Group will be provided access to a shared drive. All relevant information will be kept here and will be available to be viewed.

Notes from Governance Group meetings will be uploaded within 5 working days of meetings, and any presentations made to the Governance Group will be uploaded within 48 hours of meetings.

## 9 Roles and responsibilities of the LWRP Governance Group

The role and responsibilities of the permanent members of the Governance Group are to:

- Monitor the project management-related aspects of the development of the LWRP, including identifying and considering risks, roadblocks, and resourcing needs and overall progress of the project against agreed project milestones and timelines; and
- Ensure the development of the strategic approach to addressing key freshwater and land use management issues in the region is consistent with and implementing Te Mana o te Wai.

In addition to the matters above, within the Governance Group the role of the Iwi representatives is also to:

- Ensure the operational teams are aware of Mana Whenua values, aspirations and priorities in respect to the environment and that these are clearly expressed and considered; and
- Be a conduit between mana whenua and the operational teams, facilitating the sharing of mātauranga<sup>1</sup>; and
- Provide guidance or governance direction on "Iwi specific issues.

All the Governance Group's permanently appointed and non-permanent members commit to:

- Participating in the Group's proceedings in good faith and to the best of their capabilities; and
- Participating in and contribute to frank and free discussion and to seek workable solutions to issues within the context of what is lawful and must be achieved under the Resource Management Act 1991, and subordinate planning instruments including the NPS-FM; and
- Acting in accordance with the Part 2, Section 10 and Part 2, Section 14 of the Local Government Act 2002; and<sup>2</sup>
- Committing time and effort to the Group for the duration of its proceedings; and
- Being open, honest and acting with integrity; and
- Recognising and considering different world views and the connectedness of everything; and
- Coming to the meetings prepared, making sure to have read all the background material provided; and
- Taking part in the Group's discussions independently and free of any obligations or commitments; and

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<sup>1</sup> Body of knowledge originating from Māori ancestors and includes Māori world view, perspectives, creativity and cultural practices.

<sup>2</sup> Part 2, Section 10 of the Local Government Act 2002 (LGA) sets out the purpose of local government, while Part 2, Section 14 of the LGA outlines the principles relating to local government.

- Representing the interests of Mana Whenua or the Otago community at large; and
- Reporting any actual or potentially perceived conflicts of interests as detailed in the section on Conflicts of Interest.

### **Role of the Chair**

The role of the Chairperson is to:

- Ensure any positions reached or recommendations made by the Governance Group are clearly recorded during meetings; and
- Play the primary spokesperson for the Group including with the ESP Committee, ORC Council and ORC executives and staff; and
- Motivate and lead the Group to carry out its role and responsibilities; and
- Ensure a fair and equitable group process; and
- Foster an atmosphere of enquiry, respect, open-mindedness and group learning, supporting the group to strive for unanimous agreement; and
- Ensure the members operate within the Terms of Reference; and
- Request, on behalf of the Group, any technical or administrative support or any technical information that is relevant to the Group's tasks or proceedings.

## **10 Reporting**

At a minimum, the group will report to Council at every meeting..

The reporting to Council must include at least the following:

- A written summary of progress on the development of the LWRP made against the project plan using a consistent and agreed report template; and
- A written summary of any discussion held by the Governance Group; and
- A written overview of policy positions reached or recommendations made by the Governance Group.

## **11 Technical and administrative support**

Technical and administrative support to the Group will be provided and/or coordinated by ORC staff. Further technical support may also be provided by Aukaha and Te Ao Mārama staff.

Support by technical staff or experts may include:

- The provision of technical information or presentations at meetings or during workshops (either in person or via video or audio conferencing); and
- The provision of technical information or attendance at fieldtrips; and
- The provisions of background reading material in advance of workshops.

Support by administrative staff may include:

- Programme and project management support; and
- Secretariat support, including organisation of meetings, and preparation and distribution of agendas, background reading and papers, and meeting notes/minutes; and

- Support with reporting to Council and ESP Committee; and
- Organisation of meetings

## 12 Internal processes

A quorum of four permanently appointed members, including at least one rūnaka representative and one permanently appointed ORC councillor, is needed to adopt position or recommendation.

The Group will strive to make recommendations by consensus. Consensus is defined as every permanently appointed member of the Group present at a meeting agreeing to accept the Group's recommendation.

Where consensus cannot be reached on a topic or specific point, the reasons for the disagreement will be noted, any alternatives defined, and the reasons for positions on the alternatives recorded.

If the Group reaches a position or makes a recommendation by consensus all permanently appointed members will be expected to support that position.

## 13 Conflicts of Interest

Permanently appointed and non-permanent members of the Governance Group are required to disclose any interests they have related to land and freshwater issues in the region to the ORC. If any interest creates a conflict, they must declare this to the ORC.

## 14 Confidentiality

The permanently appointed and non-permanent members of the Governance Group and any other persons attending the Governance Group meetings may be privy to confidential information.

The permanently appointed and non-permanent members of the Group as well as any other persons attending the Governance Group meetings agree to keep such information confidential, unless the Governance Group agrees by consensus to the release of this information.

Details of discussions held within the Group will not be disclosed to outside parties without the unless:

- the Governance Group agrees by consensus to disclose this information; or
- the disclosure of this information is required by law.

The permanently appointed and non-permanent members of the Group as well as any other persons attending the Governance Group meetings must at all times comply with the requirements of the Privacy Act 1993 and keep information about identifiable individuals confidential.

**9.1. Recommendations of the Audit and Risk Subcommittee  
Resolution**

*That the Council adopts the recommendations of the 22 June 2023 Audit and Risk Subcommittee.*

Report	Resolution	Res#	Mover/ Seconder
<p><b>CS2322</b> Corporate Policy Overview Report</p>	<p><b>Endorses</b> a change to the Audit and Risk work programme where this Policy Overview update is only required on an annual basis (noting significant Policy changes may be reported as and when required).</p>	<p>AR23-115</p>	<p>Cr Malcolm / Cr Wilson</p>

## 9.2. Recommendations of the Environmental Science and Policy Committee Resolution

*That the Council adopts the recommendations of the 29 June 2023 Environmental Science and Policy Committee.*

Report	Resolution	Res#	Mover/ Secunder
<b>STG2301</b> Strategic Otago Lakes Management Approach	<p><b>Directs</b> staff to focus on the pRPS, pLWRP and ICM work programmes and continue rolling out the NOF for each FMU/rohe rather than developing a separate Otago Lakes Strategic Plan.</p> <p><b>Recommends</b> that the previously established Lakes Management Working Group focus their attention specifically on Lakes Hāwea, Wānaka, and Whakatipu-Wai-Māori/Wakatipu and that Council, through this group, seek to establish a joint work programme with the Ministry of the Environment (and other experts) to improve understanding of these inland deep lakes.</p>	<b>ESP23-113</b>	Cr Robetson / Cr Malcolm



## 10.2. Chief Executive's Report

**Prepared for:** Council  
**Activity:** Governance Report  
**Author:** Richard Saunders, Chief Executive  
**Date:** 19 July 2023

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### PURPOSE

[1] The purpose of this report is to provide Council with an update from the Chief Executive.

### RECOMMENDATION

*That the Council:*

- 1) *Notes this report.*

### DISCUSSION

- [2] The project progress report for the Long Term Plan is included as Attachment 1. There are currently no critical risks, and the project remains on track to meet key milestones. A key task for the coming month is to finalise the work on strategic directions and key focus areas to ensure they inform the next phase of the project which asks Councillors to consider their priority activities to inform development of the work programme.
- [3] The Land and Water Regional Plan project report is included as Attachment 2. Two critical risks have been identified both relating to the delivery of outputs from the Manuherehia Technical Advisory Group. A pathway for completing this work was discussed and agreed with the governance group and will see this information being reported to Council at the end of August. The balance of the critical milestones remain on track, although the project programme remains tight.
- [4] Attachment 3 contains an update on key pieces of reform which will impact on Otago Regional Council. There are no specific actions for Council however the report aims to provide an overview and provide reassurance that staff and the broader regional sector are connected to these key pieces of work. The reforms included in the attachment are Resource Management, Affordable Waters, and Future for Local Government.
- [5] At the time of writing, year-end financial processes are still being completed by staff. Preliminary year-end financial results will be reported to the upcoming Finance Committee meeting before being finalised as part of the Annual Report process.

### ATTACHMENTS

1. ORC LTP 070723 reporting FINAL updated (1) [10.2.1 - 3 pages]
2. ORC LWRP monthly report - June 2023 [10.2.2 - 4 pages]
3. Reform overview for councillors July 2023 1 [10.2.3 - 2 pages]

**ORC report on Long Term Plan project progress against critical milestones and tasks**

Project Name	Project Lead	Current Reporting Period	Previous Reporting Period
Long Term Plan	Mike Roesler	21 June – 7 July	9 May – 21 June 2023
<b>Progress summary and focus for next reporting period</b>			
<b>Achievements this reporting period</b> <ul style="list-style-type: none"> <li>Meeting time booked with councillors</li> <li>Council governance group established</li> <li>Strategic Directions workshop with council on 28 June</li> <li>LTP Engagement approach paper underway</li> <li>Priority statements being progressed</li> <li>Draft milestones for Mana Whenua workstream documented</li> <li>Lessons learnt report from OAG drafted</li> <li>LTP slides drafted for 18 July engagement with managers</li> <li>Manager update email drafted</li> </ul>			
<b>Next reporting period (7-21 July)</b> <ul style="list-style-type: none"> <li>LTP governance sub-committee meeting</li> <li>Finalise Engagement Approach paper for Regional Leadership Committee</li> <li>Complete drafts of Focus Area statements</li> <li>Upcoming milestones communication to Managers</li> <li>Incorporate relevant lessons learned from OAG into project plan</li> <li>Confirm timing of ELT initial moderation session</li> <li>Growth models, uncertainties and assumptions council feedback written up</li> </ul>			
<b>On the horizon (21 July to 21 August)</b> <ul style="list-style-type: none"> <li>Workshop with Council and Mana Whenua to finalise Focus Areas</li> <li>Staff to start work on Focus Areas</li> <li>Engagement Approach paper to Regional Leadership Committee</li> <li>Drafting of Communications Plan for LTP starts</li> <li>Staff input, information and analysis into Growth models, uncertainties and assumptions paper.</li> </ul>			

Risks and Issues	
Risk	Mitigation
Project management and governance needs to be tightly managed to avoid quality and time issues.	Project manager has been appointed, governance group set up and regular governance cycle has started. Review in 3 months.
Alignment between LTP and strategic directions. The risk is that strategic direction is not appropriately reflected in LTP decision-making.	Project set up to cover all aspects of this and LTP is being managed within the context of this project to make sure all parts of organisation have visibility. Council to provide early feedback on 'Strategic Directions' and that staff reflect SD where possible and appropriate in planning future delivery. Working together on Engagement Approach paper.
(In the context of the OAG report on LTP plans 2021-31), Clarity is needed on Infrastructure and Financial Strategy scope of deliverables, timelines and outputs.	Initial conversations with relevant business areas are underway to clarify this further. Deliverables and timeframes need to be incorporated into project plan by next reporting period.

Key		
Status	Health	Colour
1. Not due to start	Work not yet due to start	
2. Start delayed	Issues are being managed within the team and not expected to impact final deadline	
3. On hold	Issues impacting project and overall timeline and need escalation and action	
4. In progress	Meets or exceeds project expectations	
5. Complete	Milestone / task finished	

Council Meeting - 26 July 2023 - CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

Milestone	Start date	End date	Health and Status	Commentary
<b>COUNCILLOR WORKSHOPS AND DECISION MAKING</b>				
Current State updated following council feedback	16/06/2023	07/07/2023	In progress	Mike is working through these and will have answers to council and mana whenua by close of business 7 July.
Council and Mana Whenua session. LTP/SD Future Delivery Part 1 (Workshop)	03/07/2023	02/08/2023	In progress	Further session with council at 1-4pm to finalise focus areas (context and outcomes). Need to confirm scope of this session with project sponsor.
Council and Mana Whenua session. LTP/SD Future Delivery Part 2 (Workshop)	03/07/2023	08/08/2023	In progress	Session for council and mana whenua to have conversations with staff on focus areas to outline areas they want managers to think about in advance of September 13 session.
Regional Leadership Committee. Engagement Approach to LTP (Paper)	03/07/2023	10/08/2023	In progress	Overview of initial thinking on approach to engaging with strategic stakeholders and the community for Regional Leadership Committee. Amanda and Mike to present, Jo in session also. Detailed planning: Annex 1
Safety and Resilience committee: Scope of Infrastructure Review (Paper)	17/07/2023	10/08/2023	Start delayed	Initially scheduled for Safety and Resilience committee on 10 August. Clarification has been sought from Manager Engineering and GM about proposed next steps.
Council meeting. Draft Communications plan for LTP (paper)	03/08/2023	23/08/2023	Not due to start	Note, we consider this is too early for this deliverable as doesn't allow enough time after confirming engagement approach. Looking to move to 20 September council meeting
Council and Mana Whenua session. How to implement focus areas (Workshop)	07/08/2023	13/09/2023	Not due to start	Key dependency on focus areas being confirmed at 2 August meeting. Detailed planning for this milestone s in Annex 1
Council update on LTP detailed planning, budgeting and other supporting information	16/10/2023	09/11/2023	Not due to start	Update item only.
Council endorsement for key LTP content and Supporting Information for consultation	06/10/2023	07/12/2023	Not due to start	Confirmed that this scope covers supporting information for consultation.
Council approval for full Consultation Document and draft supporting Information	15/01/2024	01/02/2024	Not due to start	Placeholder end date, waiting on council meeting dates for 2024.
<b>FINANCIAL AND RATES</b>				
Council presentation - Financial/funding: Rating specifics	17/07/2023	02/08/2023	In progress	
Council Presentation – Framework, assessment of funding needs and analysis [Morrison & Low]	7/07/2023	24/08/2023	In progress	
Council presentation - Financial/funding: report back rating models and options [Morrison & Low]	04/09/2023	21/09/2023	Not due to start	
Draft Financial Strategy and Revenue & Financing Policy submitted to council for approval	02/10/2023	25/10/2023	Not due to start	
<b>ENGAGEMENT AND COMMUNICATIONS</b>				
Engagement approach for LTP consultation drafted	03/07/2023	10/08/2023	In progress	Scoping conversations held with Andrea and Mike. Initial thinking documented. LTP content drafted into paper, next step is to confirm strategic stakeholders and identify any information gaps.
Communications plan presented to council	03/08/2023	23/09/2023	Not due to start	As above, date change to allow time to incorporate council feedback and to get direction from governance and ELT.
Engagement with strategic stakeholders on focus areas	04/09/2023	21/09/2023	In progress	Will inform part of engagement approach. Approach still being decided so this milestone may change.
Approach to communicating key topics to the community (for Special Consultative Procedure) agreed internally	04/09/2023	21/09/2023	Not due to start	Note this is a separate communications plan. Some detailed planning has occurred for this and is in the LTP activity plan/gantt chart. Existing policies must be taken into account and given effect to.
<b>PROJECT PLANNING</b>				

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Lessons from OAG report documented and discussed with workstream lead and project sponsor	21/06/2023	07/07/2023	In progress	Use OAG report to support approach and update project plan as required. Add to project plan as quality control RE: best practice.
Lessons from OAG around consultation incorporated into project plan	21/06/2023	12/07/2023	Not due to start	Project manager to update project plan as required after discussing focus areas with the project sponsor, lead and project team.
ELT moderation and decisions on crosscutting programmes	21/06/2023	September	Not due to start	Timing for this to be confirmed with project sponsor as 4 September.
Early draft of council and mana whenua input: Growth models, uncertainties and assumptions document	04/07/2023	20/09/23	Not due to start	Existing information from council and mana whenua will be pulled into starting point document for LTP. Will be built on in August and September workshops and have detailed input from staff in September.







Completed Milestone	Start date	End date	Health and Status	Commentary
Council presentation - Financial/funding: Introduction	11/05/2023	11/05/2023	Complete	
Council Briefing held: Current State presentation	14/06/2023	15/06/2023	Complete	Completed on 15/06/23.
Council presentation - Financial/funding: Financial strategy	14/06/2023	29/06/2023	Complete	Presentation being prepared by Nick.

LTP Project Workstreams GANTT Chart overview							
LTP Workstreams	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
Long Term Plan	Delivery of a draft LTP						
Engagement and Communications	Engagement approach		Comms Plan		Marketing and comms		LTP draft content approved
Partnering with Mana Whenua		Plan for working with MW				Implementation of plan	

**ORC REPORT ON PROGRESS AGAINST CRITICAL MILESTONES AND TASKS**

Project Name	Project Start Date	Project Sponsor	Project Owner	Report date
Land and Water Regional Plan for Otago	1-Jul-21	Anita Dawe	Fleur Matthews	30-Jun-23

Progress summary and focus for next month
<p><b>This past month:</b>                      The Governance Group met on 8 June to provide direction on drinking water protection zones and gravel management as well as to monitor the progress of the project. The June Council meeting provided confirmation of direction on key plan approaches, such as water quality and quantity. A number of economic and science reports were finalised in June, and work continues on a comprehensive communications and engagement plan for the remainder of the project through to notification. Changes to the scope of the Governance Group's Terms of Reference were agreed by Council on 28 June and will be implemented going forward.</p> <p><b>Next month:</b>                      Major deliverables in July include:                      1. Environmental outcomes, current states and target attribute states determined for all FMUs                      2. All draft region-wide objectives, policies, provisions, rules complete                      3. All draft FMU chapters complete (except Taieri and Manuherekia Rohe)</p>

RESOURCE MANAGEMENT ACT PROCESS AND CRITICAL TASKS	KEYS		
CP1. Environmental Outcomes, Objectives, Provisions, Rules developed (July 2023)	RMA CRITICAL PATH	HEALTH	STATUS
CP2. Community consultation prior to formal Schedule 1 process (August - October 2023)	 Milestone is on the critical path	 Work not yet due to start	1. Not due to start
CP3. Pre-notification consultation (February - April 2024)		 Meets or exceeds project expectations	2. Not started
CP4. Public Notification (June 2024)		 Issues are being managed within the team and not expected to impact final deadline	3. Ready to start
		 issues impacting project and overall timeline and need escalation and action	4. Start delayed
		 Milestone / task finished	5. On hold
			6. In progress
			7. Complete
			8. Withdrawn

Milestone	RMA Critical Path	Baseline Start date	Baseline End date	Forecast Revised End date	End date variance	Actual End Date	Previous Status	Current Health & Status	May commentary
<b>Preparatory and plan writing work to get to community consultation 3</b>									
1 Initial consultations with communities and key region-wide stakeholders complete. This is required by NPS-FM prior to plan drafting	CP1		20-Dec-22	20-Dec-22		20-Dec-22	Complete	Complete	
2 Community and mana whenua values identified with community and mana whenua. This is required by NPS-FM prior to plan drafting	CP1		31-Dec-22	31-Dec-22		20-Dec-22	Complete	Complete	
3 Analysis of feedback from community and key stakeholder consultation complete	CP1		31-Jan-23	31-Jan-23		31-Jan-23	Complete	Complete	
4 Catchment Stories Summary Report complete			30-Jan-23	30-Jan-23		30-Jan-23	Complete	Complete	
5 Region-wide topics plan drafting started (Milestone)		1-Feb-23	1-Feb-23	1-Feb-23		1-Feb-23	Complete	Complete	
6 Further direction from Land and Water Regional Plan governance group on water quantity management sought. This directly informs plan drafting	CP1		6-Apr-23	6-Apr-23		6-Apr-23	Complete	Complete	Policy direction confirmed by Council at its meeting on 28 June 2023.

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Milestone	RMA Critical Path	Baseline		Forecast	End date variance	Actual End Date	Previous Status	Current Health & Status	May commentary	
		Start date	End date	Revised End date						
7	Region-wide hydrological modelling complete. This informs plan drafting.	CP1		30-Apr-23	<u>31-Jul-23</u>	<u>+2 months</u>		Complete	In progress	Outputs from the modelling have been produced and were provided to Policy as per the timeline on 31/05/23. A report on the methodology was due on 30 June, which has not yet been received, as it is currently being peer-reviewed.
8	Manuherekia hydrological statement finalised by Technical Advisory Group			30-Apr-23	<u>30-Jun-23</u>	<u>+2 months</u>		In progress	In progress	The Technical Advisory Group last met 10 May. The Governance Group supported the approach to concluding the eco-hydrology work for the Manuherekia.
9	Further direction from Land and Water Regional Plan governance group on water quality management sought. This directly informs plan drafting	CP1		4-May-23	4-May-23			Complete	Complete	Policy direction confirmed by Council at its meeting on 28 June 2023.
10	Water quality scenario modelling complete. This directly informs plan drafting	CP1		31-May-23	<u>31-Jul-23</u>	<u>+ 2 months</u>		In progress	In progress	While there have been delays in finalising the report, it does not impact the plan development timeline as Science and Policy work closely together sharing information iterately so that the plan drafting deadline of 31 July is achievable. The final draft of the report will be sent for external peer review in July.
11	Outstanding water bodies identified			31-May-23	31-Jul-23	<u>+2 Months</u>		Complete	In progress	This work was initially completed in April. A partial revision of the draft reports and a re-assessment of the outstanding water is required following the RPS process as a change to the identification criteria stated in the pORPS has been recommended.
12	Manuherekia ecological flow recommendation provided by Technical Advisory Group			31-May-23	<u>30-Jun-23</u>	<u>+2 months</u>		In progress	In progress	The Technical Advisory Group last met 10 May. The Governance Group supported the approach to concluding the eco-hydrology work for the Manuherekia.
13	Further direction from Land and Water Regional Plan governance group on drinking water protection requirements sought.	CP1		6-Jun-23	6-Jun-23			In progress	Complete	This was presented and discussed at the 8 June governance group meeting.
14	Regionally significant wetlands mapped and ground truthed			30-Jun-23	30-Jun-23			In progress	Complete	Groundtruthing completed.
15	Land and Water Economic Profile of Otago complete (Milestone)			30-Jun-23	30-Jun-23			In progress	In progress	The Profile has been drafted and reviewed by external parties and key ORC staff. Following feedback via this review process the Profile is being finalised now and on track to be delivered by 30 June.
16	Farmers and Growers Phase 2 report on testing the impact of actions complete (Milestone)			30-Jun-23	3-Jul-23			In progress	Complete	
17	Threatened species identified (via independent expert panel)			30-Jun-23	12-Jul-23	<u>+ 2 Weeks</u>		In progress	In progress	Threatened species have been identified, and progress is being made following NOF requirements.

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Milestone	RMA Critical Path	Baseline		Forecast	End date variance	Actual End Date	Previous Status	Current Health & Status	May commentary
		Start date	End date	Revised End date					
18	Environmental outcomes, current states and target attribute states determined for all FMUs	CP1	30-Jun-23	12-Jul-23	+2 Weeks		In progress	In progress	Draft environmental outcomes prepared and current state data is available. FMU level target attribute state setting is now not going to be completed before mid July.
19	Māori economy report completed by ORC and Iwi		31-Jul-23	31-Aug-23	+1 month		In progress	In progress	This work requires more time to complete as key Iwi staff are working on the RPS hearings. This isn't expected to impact on the overall timeline as there is time scheduled in the 3rd and 4th quarter of 2023 to further incorporate information from this report, as well as from work relating to the RPS hearings.
20	Higher allocation catchment assessments complete (excluding Taieri)		31-Jul-23	31-Jul-23			In progress	In progress	This work is tracking to time. Completion varies by catchment. Habitat modelling has been completed. Catchment assessments are being done in tranches, with first three to April successfully completed on time Next tranche over 50% complete and due to be complete by end June. In the Arrow, Cardrona and Lindis catchments the existing Science reports will be used by Policy (as discussed in meeting 31st May).
21	All draft region-wide objectives, policies, provisions, rules complete	CP2	31-Jul-23	31-Jul-23			In progress	In progress	No change from May report. This milestone is tracking to time based on successful completion of CP1 milestones.
22	Draft Catlins FMU Chapter complete		31-Jul-23	31-Jul-23			Not due to start	Not due to start	
23	Draft Clutha/Mata-Au Chapter complete		31-Jul-23	31-Jul-23			Not due to start	Not due to start	
24	Draft Dunedin and Coast Chapter complete		31-Jul-23	31-Jul-23			Not due to start	Not due to start	
25	Draft North Otago Chapter complete		31-Jul-23	31-Jul-23			Not due to start	Not due to start	
26	All draft FMU chapters complete (except Taieri and Manuherekia Rohe)	CP2	31-Jul-23	31-Jul-23			Not due to start	Not due to start	
27	Draft introduction, how the plan works, interpretation chapters		30-Sep-23	30-Sep-23			In progress	In progress	Early drafting has begun on this chapter which is ahead of schedule.
28	Draft national direction chapter and regional context content		30-Sep-23	30-Sep-23			In progress	In progress	Early drafting has begun on this chapter which is ahead of schedule.
29	Draft mana whenua chapter complete		30-Sep-23	30-Sep-23			In progress	In progress	ORC and Iwi are working on the integration of mana whenua values, objectives, and outcomes into the plan document and what will be contained in a mana whenua chapter at present. The mana whenua chapter will only contain what is legally required for that chapter following integration throughout the plan.
30	Draft schedules and appendices complete		30-Sep-23	30-Sep-23			In progress	In progress	A list of schedules and appendices has been compiled. The next step is to determine what changes and new schedules are required following the development of region-wide and FMU specific provisions. The internal approach to developing maps is being determined in May so that maps can then be updated or commissioned and delivered by end Sep 23.
31	Draft Taieri Chapter complete		30-Oct-23	30-Oct-23			Not due to start	Not due to start	
32	Manuherekia Rohe chapter complete	CP2	31-Oct-23	31-Oct-23			Not due to start	Not due to start	
<b>Community consultation prior to formal Schedule 1 process</b>									
33	3rd and final community and key stakeholder consultation planning initiated		1-Jun-23	1-Jun-23			Complete	Complete	Policy and the Communications team met 2 May to initiate this work. Planning is ongoing.
34	Community consultation 3 meetings complete	CP2	30-Sep-23	30-Sep-23			Not due to start	Not due to start	
35	Key stakeholder report backs on region-wide topics complete		30-Sep-23	30-Sep-23			Not due to start	Not due to start	
36	Report back to Manuherekia Rohe community on provisions and	CP2	15-Oct-23	15-Oct-23			Not due to start	Not due to start	
37	Economic Impact Assessment of draft plan complete (To inform the Section 32 Report)		30-Oct-23	30-Oct-23			Not due to start	Not due to start	
38	Full draft plan reviews by Planning Lead, affected ORC teams, Iwi, Legal complete		30-Nov-23	30-Nov-23			Not due to start	Not due to start	

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Milestone	RMA Critical Path	Baseline		Forecast	End date variance	Actual End Date	Previous Status	Current Health & Status	May commentary	
		Start date	End date	Revised End date						
39	Draft Proposed Land and Water Regional Plan and draft Section 32 report complete. These are required in order for Clause 3 & 4A pre-notification and notification	CP3		30-Nov-23	30-Nov-23			In progress	In progress	Plan authors are collating supporting evidence as they develop plan chapters throughout. The Section 32 Report involves a significant amount of work which is being worked on iteratively as the plan is developed. The project is monitoring any additional resources required here.
40	Draft Land and Water Regional Plan complete and ready for pre-notification consultation	CP3		30-Nov-23	30-Nov-23			Not due to start	Not due to start	
<b>Pre-notification consultation and public notification</b>										
41	Draft Proposed Land and Water Regional Plan pre-notification consultation with Iwi and statutory parties (under RMA Sch 1,	CP4		28-Feb-24	28-Feb-24			Not due to start	Not due to start	
42	Draft Proposed Land and Water Regional Plan pre-notification consultation with Iwi and statutory parties (under RMA Sch 1,	CP4		30-Apr-24	30-Apr-24			Not due to start	Not due to start	
43	Updates to Draft Proposed Land and Water Regional Plan complete			31-May-24	31-May-24			Not due to start	Not due to start	
44	Section 32 report complete			31-May-24	31-May-24			Not due to start	Not due to start	
45	Otago Regional Council resolution to notify Proposed Land and Water Regional Plan for Otago	CP4		14-Jun-24	14-Jun-24			Not due to start	Not due to start	
46	Proposed Land and Water Regional Plan for Otago publicly notified	CP4		28-Jun-24	28-Jun-24			Not due to start	Not due to start	



## Local Government Reforms Overview

### July 2023

#### **Resource Management Reform**

The select committee process for the Natural and Built Environment Bill and Spatial Planning Bill is now complete. The Committee's reports are available [here](#). Key recommendations include:

- Retaining the single purpose to uphold Te Oranga o te Taiao, clarifying that the health of the natural environment is essential for the health and well-being of people and communities
- No changes to the 'give effect to the principles of Te Tiriti o Waitangi' clause
- No changes to balance and composition of regional planning committees.
- Greater weight given to 'local voice documents' (in the case of regional councils, this refers to a statement of regional environmental outcomes)
- No major changes to compliance, monitoring and enforcement (CME) except for increased fines in some areas, and clarification that insurance can cover remediation works and legal costs but not fines.
- Tightening provisions relating to limits and targets to ensure they work in practice, and removing the concept of 'interim targets'.

The National Planning Framework (NPF) is being developed alongside the new legislation. MfE has indicated that the NPF will be notified shortly after the legislation is enacted and then examined via a Board of Enquiry – possibly from September. The Climate Adaptation Bill is on a slower track and appears unlikely to be introduced this year.

MfE is running a scoping exercise over the next six months to determine the first tranche of regions to move into the new system. Otago is not participating in this process.

ORC staff are engaging with central government on the reforms. Tami Sargeant is part of a CME-focussed group which is working with MfE on resources and guidance for the new system.

#### **Regional sector**

Te Uru Kāhika (TUK) has appointed a dedicated RM reform Director to support regional councils to participate in the reform process.

#### **Otago collaboration**

The Otago CE Forum has initiated a project to explore how Otago can prepare for the new system as a region. Fleur Matthews and Marianna Brook are part of a group scoping this work.

#### **Water Services Reform**

On 13 April the Government announced changes to the Water Services Reform Programme (formerly the Three Waters Reform Programme), including increasing the number of new water services entities from four to ten. Otago is now in Entity J along with Southland. The Government also decided to change the entities' establishment date, with the new entities going live sequentially from early 2025 to 1 July 2026. Specific start dates are not yet known.

DIA's National Transition Unit (NTU) brought its 'roadshow' in Dunedin on July 5. The session (hosted at ORC and targeting CEs and senior management) was billed as an opportunity to "share our draft revised NTU Programme including our thinking around a regional model of delivery to stand up the 10 entities, and the process to determine those timings". The meeting introduced

the concept of a 'transition runway', the anticipated sequence of tasks for the 12-15 months prior to each entity's start date.

ORC staff are involved in central government reform activity. Michelle Mifflin is leading NTU's Regional Council Technical Working Group for Stormwater. Jo Gilroy is a member of NTU's Regulatory Consent and Compliance Working Group.

#### **Regional sector**

The regional sector has a Three Waters workstream under the TUK Resource Managers Group intended to support the regional sector to be an effective regulator for the new water entities. For Entity D (now Entities I and J), a Tier 2/3 steering group is leading work to prepare for the transition, test early practical steps for regulatory alignment, and provide a connected Takiwā view.

#### **Otago/Southland collaboration**

Otago and Southland local authorities have been working together for some time to interface with the NTU and progress an internal work programme. This work is TA-focussed, with a watching brief for ORC.

### **Review into the Future for Local Government**

The Future for Local Government review panel released its final report, [\*He piki tūrangā, hi piki kōtuku\*](#) on Wednesday 21 June. In its final email the panel wrote: "Whilst it's the end of the Review, it is just the beginning of the journey in many ways. We have presented our findings and recommendations. Now is the opportunity for Aotearoa to respond and make the changes we need for the wellbeing of our communities."

The report provides 17 recommendations under five headings:

- Embedding local government's purpose and wellbeing focus
- System renewal
- Increasing funding
- Strengthening local democracy and leadership
- Growing authentic Te Tiriti-based partnership

By design, the review has concluded immediately prior to a general election; it will be up to the incoming government to respond to its findings on behalf of central government.

The review makes repeated calls for the local government sector, through LGNZ and Taituarā in conjunction with DIA, to lead and champion the change.

LGNZ has advised that its National Council will be taking a proposal on next steps to its AGM on July 26. The proposal seeks a mandate for LGNZ to drive the development of a consensus sector position on the report between July and October of this year.

**Updated:** 17 July 2023.