



Our Ref A610586

Committee meetings Wednesday 26 November 2014

Following are the agendas for the Committee meetings to be held on Wednesday 26 November commencing at 11.30 am. The venue is the Council Chamber, 70 Stafford Street, Dunedin, and members of the public are welcome to attend. Full detailed reports referred to in the committee reports are available on the Council website, or by contacting the Committee Secretary – see contact details below.

Committee agendas - Index

	Page Nos.
Finance and Corporate Committee	2 - 42
Communications Committee.....	43 - 55
Policy Committee.....	56 - 97
Regulatory Committee.....	98 - 116

A handwritten signature in black ink that reads "Janet Favel". The signature is written in a cursive, flowing style.

Janet Favel
Committee Secretary

Phone: 03 470 7474 (DDI)
 Freephone: 0800 474 082
 Email: janet.favel@orc.govt.nz

OTAGO REGIONAL COUNCIL

**Agenda for a meeting of the Finance and Corporate Committee
to be held in the Council Chamber, 70 Stafford Street, Dunedin
on Wednesday 26 November 2014 commencing at 11.30 am**

Membership:

- Cr David Shepherd (Chairperson)**
- Cr Gary Kelliher (Deputy Chairperson)**
- Cr Graeme Bell**
- Cr Doug Brown**
- Cr Louise Croot MNZM**
- Cr Michael Deaker**
- Cr Gerrard Eckhoff**
- Cr Trevor Kempton**
- Cr Sam Neill**
- Cr Gretchen Robertson**
- Cr Bryan Scott**
- Cr Stephen Woodhead**

Apologies: **Cr Sam Neill**

Leave of absence:

In attendance:

Please note that there is an embargo on agenda items until 8.30 am on Monday 24 November.

CONFIRMATION OF AGENDA**PUBLIC FORUM****MINUTES**

The minutes of the meeting held on 15 October 2014, having been circulated, for adoption.

Matters arising from minutes

PART A – PRESENTATION

Item 1 Otago Regional Rescue Helicopter Trust Annual Report

PART B - RECOMMENDATIONS

Item 2 2014/1676 Regional Public Transport Plan Otago 2014. DCS, 11/11/14

The Subcommittee has considered submissions received on the Draft RPTP and recommends a number of changes to the draft Plan. The full plan is circulated separately with the agenda.

Item 3 2014/1822 Significance and Engagement Policy. DCS, 13/11/14

The report notes submissions received on the Council's Significance and Engagement Policy, and presents a revised policy for adoption. The Policy document is circulated separately with the agenda.

Item 4 2014/1701 Authorisations for designation. DPPRM, 5/11/14

The report outlines the Otago Regional Council's current designations, and recommends changes the ORC may make as part of the Dunedin City Council's district plan review. Council is requested to authorise these recommendations or to provide alternative instruction.

PART C – ITEMS FOR NOTING

Item 5 2014/1840 Director's report. DCS, 14/11/14

The report describes significant activities carried out by the Finance and Corporate sections since the last meeting of the Committee.

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Finance and Corporate Committee
held in the Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 15 October 2014 commencing at 10.30 am**

Present: Cr David Shepherd (Chairperson)
Cr Gary Kelliher (Deputy Chairperson)
Cr Graeme Bell
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Trevor Kempton
Cr Sam Neill
Cr Bryan Scott
Cr Stephen Woodhead

Apologies: Cr Doug Brown
Cr Gretchen Robertson
The apologies were accepted on the motion of Crs
Shepherd and Croot.

In attendance: Peter Bodeker
Wayne Scott
Jeff Donaldson
Jane Leahy
Fraser McRae
Gavin Palmer
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the public portion of the meeting held on 4 September 2014, having been circulated, were adopted on the motion of Crs Kempton and Kelliher.

Matters arising from minutes

There were no matters arising from the minutes.

PART A – PRESENTATION

Item 1 Port Otago Ltd – Annual Report 2014.

Port Otago Ltd Chair David Faulkner and Chief Executive Geoff Plunket were in attendance to present the Group's Annual Report 2014, which had been circulated separately with the agenda.

In his presentation Mr Faulkner noted the following:

- Group profit \$31.8m, down 16% on last year.
- Acquisition of \$27m in investment property, and sales of properties in Auckland and Dunedin, first sales from Te Rapa land development in Hamilton.
- Kotahi deal with Port of Tauranga – very wide ranging changes.
- Maersk had re-established its call at PrimePort Timaru; POL would maintain its Timaru rail service.
- Channel deepening – use of POL's dredge to deepen to less than 14m would keep the cost of this work to less than \$10m.
- Operating results were similar to last year, the revaluation result had affected the Group's bottom line.
- Total assets \$494m.
- Dividend this year \$7.1m.
- Container throughput down 7%; conventional cargoes 1.3m, similar to last year.
- 501 vessel arrivals including 71 cruise ships.
- Health and safety - disappointed to have 6 LTIs this year following 20 months with none. MTIs had reduced by 50% to 12. Ultimate objective is to achieve zero harm.
- Capex \$15.7m: new tug 'Taiaroa', two new straddles, paving of Dunedin log storage area, container pre-trip inspection gantry (required by shipping companies for better inspection and quick turnaround).
- Community and environment – completion of acoustic treatment of red zone properties that can be treated, will purchase two red zone properties that are unable to be treated. This was the culmination of eight years' work.
- Lyttelton Port – sale of shares to CCHL now completed, proceeds of \$65.7m from the sale.
- Chalmers Properties – rental income was a record \$13.7m, this increase due partly to revaluations.
 - Dunedin developments: Chep NZ development for \$3.5m with 10 year lease; sale of two Dunedin ground leases; Jade Quay building refurbishment, and new leases to Ray White franchise and Federated Farmers.
 - Auckland developments: purchase of Bunnings warehouse; sale of two properties.
 - Hamilton developments: stage 1 of Hamilton subdivision completed; sold 2.2 ha during year.
- Outlook – growing export cargo volumes; well positioned to evaluate investment opportunities; continued focus on health and safety.

In response to a question about the reduction in container volume, Mr Faulkner advised that POL was taking steps to turn the decrease around but it was not a major concern at this stage.

The increase in injury incidents was noted. Mr Faulkner commented that POL had enjoyed a better safety record than other ports. He considered that there were good systems in place, and did not anticipate that there would be a change in the company's focussed approach to health and safety.

It was requested that the benefit to the people of Otago as owners of the Port be kept in mind when investment decisions were made. Mr Faulkner stated that the Group was very aware of the benefit of investment in Otago that created jobs and put more containers through the Port. He also noted that due to the Statement of Corporate Intent, agreement of the Council would be required for any significant diversion of investment.

Cr Woodhead noted that both organisations had been through a strategic planning exercise, and it was now planned to bring the outcomes together.

Improvements to the entry to the port for cruise ship passengers were queried. Mr Faulkner commented that there had been incremental changes. Mr Plunket observed that cruise lines were happy with how the Port presented, and noted that passengers liked coming into a working port. In preparation for the 2014/15 cruise ship season the walkway from the ships had been improved, murals had been painted in A shed, and a Wifi marquee would again be erected.

Mr Faulkner and Mr Plunket left the meeting at 11.10 am.

PART B - RECOMMENDATIONS

Item 2

2014/1488 **Water Management Assistance.** DCS, 29/9/14

The report noted that changes to the purpose statement of the Local Government Act had affected Council's previously agreed irrigation development assistance policy, and suggested principles for a revised policy in line with the changes to the legislation.

Cr Kelliher declared a conflict of interest and left the room for discussion of this item.

Mr Scott explained that the proposed changes would also align the policy with the draft strategic plan. Cr Woodhead considered that the proposal was a logical way to provide assistance that was currently provided through the Chief Executive's fund.

The principle 'That funding not be provided for the funding of infrastructure' was noted, and Mr Scott explained that this principle related to the Water Management Reserve, and funding for infrastructure was not automatically precluded from other Council consideration.

In response to a query about the CE's involvement in any developments, Mr Bodeker stated that he might be involved as an observer to ensure good insight into what was needed. He did not see this as a conflict of interest.

Previously the total sum for the CE's fund set aside in the Annual Plan could be used for as many or as few projects as required. The proposed new policy in taking the place of the annual allocation would provide opportunities for wider vision. The policy did not suggest a limit on funding, but it was noted that the CE had a delegation limit, and common sense and consultation with Council would apply.

The distinction between community and individual benefit was noted. Mr Bodeker explained that Council would not fund the taking of water from other sources, but would fund the ability for communities to get together to have a common function. The bigger the community, the more assurance Council could have that individual benefit was not the prime motivation.

Cr Woodhead moved
Cr Kempton seconded

- (1) *That the reserve held be re-titled 'Water Management Reserve'.*
- (2) *That its utilisation be in accordance with the principles set out in this report.*

Motion carried

Item 3

2014/1455 **Draft Significance and Engagement Policy.** DCS, 23/9/14

The report presented for consideration and approval a draft Significance and Engagement Policy as required by the Local Government Act 2002 Amendment Act 2014.

Cr Croot in moving the recommendation stated that she did so because the policy was to go out for consultation, and she supported getting input from the public on the proposal.

Cr Croot moved
Cr Deaker seconded

1. *That this report be received.*
2. *That the draft policy be endorsed for consultation.*
3. *That consultation be carried out in accordance with Section 4 of this report.*

4. *That Council delegate to the Finance and Corporate Committee the consideration of the policy following consultation, and its adoption.*

Motion carried

Item 4

2014/1566 **Audit and Risk Subcommittee.** DCS, 7/10/14

The report summarised the discussion of the inaugural meeting of the Audit and Risk Subcommittee. Cr Woodhead commented that the meeting discussion was thorough and included working through the Annual Report page by page.

Cr Kelliher returned to the meeting.

In response to a question Mr Bodeker explained that a review of health and safety was being carried out by an external auditor. The recommendations from the review would be presented through the Subcommittee to Council.

It was requested that more information be presented to the Finance and Corporate Committee on the deliberations of the Audit and Risk Subcommittee. Cr Shepherd noted time constraints on this occasion which had prevented a fuller report being presented.

Cr Deaker moved
Cr Neill seconded

- (1) *That this report be received.*
- (2) *That the Annual Report and Financial Statements for the year ended 30 June 2014 be recommended for adoption.*

Motion carried

Item 5

2014/1568 **Kakanui River Water Allocation Subcommittee.** DCS, 8/10/14

The report explained that the terms of reference of the Kakanui River Water Allocation Subcommittee required that the Subcommittee's membership be approved by Council.

Cr Woodhead moved
Cr Croot seconded

That James McNally, John Newlands, Roger Fox, Lyndon Strang and Mark Lawrence be appointed to the Kakanui River Water Allocation Subcommittee.

Motion carried

Item 6

2014/1472 **Schedule of Meetings to December 2015.** DCS, 25/9/14

A proposed schedule of Ordinary Council and Committee meetings for the period to December 2015 was presented for consideration.

Cr Croot moved

Cr Shepherd seconded

That the attached schedule of Ordinary Council and Committee meetings to December 2015 be adopted.

Motion carried

The meeting closed at 11.47 am.

Chairperson

Otago Regional Rescue Helicopter Trust

Presentation of Annual Report

REPORT

Document Id: A688395

Report Number: 2014/1676

Prepared For: Finance & Corporate Committee

Prepared By: Regional Public Transport Plan Hearings Subcommittee

Date: 11 November 2014

Subject: **Regional Public Transport Plan Otago 2014**

1. Précis

To comply with the Land Transport Management Act the Council is required to adopt a Regional Public Transport Plan (RPTP). Council sought community comment on a draft RPTP from which in excess of 300 submissions were received, including comment on the proposed network structure, fare zones, concessions, technology, Wakatipu school services, and infrastructure. The Subcommittee has considered the submissions received and recommends a number of changes to the draft RPTP. The recommendations are contained within this report and the Regional Public Transport Plan Otago 2014 has been amended accordingly and is appended to this report.

The Subcommittee recommends the Finance and Corporate Committee endorse the Subcommittee's recommendations and recommend to Council that the Regional Public Transport Plan Otago 2014 as amended be adopted.

2. Background

To comply with the Land Transport Management Act the Council is required to adopt a Regional Public Transport Plan. The plan includes public transport services available in the region, policies applying to those services, and information and infrastructure supporting those services. The preparation of the plan involves consultation with operators and the public at large through a public process.

The development of the plan involved five main work streams.

- A review of the Dunedin bus network.
- A review of fare structure and fare levels.
- Utilising the New Zealand Transport Agency's (NZTA) Business Case process for proposed improvements to the Dunedin network.
- Workshops with representatives from groups representing the transport disadvantaged.
- The development of 'units' to implement the newly required Passenger Transport Operating Model (PTOM).

The plan includes both Dunedin and Wakatipu networks, Total Mobility, and other transport services.

3. The Plan

The draft plan endorsed by Council for public consultation included a shift in the approach to the delivery of public passenger transport services in Dunedin. Significant changes in focus were:

- Bus routes will generally use main roads rather than small residential streets, without variations to routes.
- Bus routes will be as direct as possible.
- Bus standards adopted will be consistent with the national standards set by the New Zealand Transport Agency.
- A new network of bus routes and frequencies that are stable and simple to remember.
- The new Dunedin bus network and ticketing system will enable school pupils reasonable access to their school without the need for separate school bus services to be provided by the Otago Regional Council.
- The northern services (Palmerston, Waikouaiti, Karitane, Evansdale and Waitati) to become part of the Dunedin network.
- Wingatui will no longer be part of the network.
- A reduction in the number of fare zones from the present seven.

The draft plan included a suite of policies aimed at assisting the implementation and management of the plan.

4. Public Submissions

The Draft Plan was opened to public submission in July 2014, and 339 submissions were received.

Approximately 200 submissions were in relation to a proposal to amend the services to Brockville. Councillors will note from the recommendations of the Hearings Subcommittee that amendments to the draft plan are proposed. A copy of the Plan including proposed amendments is attached

The Hearings Subcommittee membership was Cr Neill (Chair), Cr Deaker, and DCC Cr Aaron Hawkins. Hearings were held on the 8th and 11th September, followed by deliberations.

5. Summary of Recommended Amendments to the Draft Regional Public Transport Plan Otago 2014

Amendments recommended to the Draft Regional Public Transport Plan Otago 2014 as issued for public consultation are:

5.1 Brockville/Halfway Bush Services

The submissions made clear a close user link between Brockville and South Dunedin along with a desire to enable a continued link between Brockville and Halfway Bush. The Subcommittee after considering the concerns of the submitters recommends the retention of the existing link between Halfway Bush and Brockville and Saint Kilda, but not the Dalziel Road connection between Brockville and Halfway Bush. The pairing of these services to Saint Kilda has required a change in the frequencies proposed in the draft Plan.

Furthermore, as a result of the change to the Brockville Halfway Bush Services, there is a consequential effect and necessary change to the Concord, Kenmure, and Belleknowes routes, all of which have been included in the proposed amended Plan.

5.2 Corstorphine Services

A number of submissions were received relating to the Corstorphine-St Clair Park Services primarily seeking a return to a more circular service between Corstorphine and St Clair Park, and supporting the linkage through to Helensburgh. The Subcommittee considered the changes requested and the proposed plan has been amended accordingly including a change of frequency necessary to accommodate the reinstatement of the connection at Corstorphine.

5.3 Service Requests to Orokonui Ecosanctuary

Approximately 40 submissions included requests for services to the Orokonui Ecosanctuary. The Hearings Subcommittee does not recommend the incorporation of such services into the scheduled public transport network due to the nature of the service being requested. The Subcommittee considered such services would be uneconomic, spasmodic, and difficult to create through either an additional route or through extensions to existing routes. The Subcommittee reached the view that the ecosanctuary management may wish to trial services with a private operator to ascertain whether demand can be identified or created.

5.4 Concord Service

The draft plan proposed that the Concord service would service Kenmure and Mornington as opposed to Kaikorai Valley Road and Stuart Street. The Subcommittee considered submissions received regarding the route proposed in the draft Plan. As a result of the submissions received and the changes to the Brockville Service, the proposed Plan has been amended so the Concord service will continue to use Kaikorai Valley Road and Stuart Street.

5.5 Peninsula Service

The Peninsula service has been regularised in the plan. A number of submissions were received regarding this service including extending the Harington Point service to the Albatross Colony. Considering the special purpose of the service, potential impact on timetabling, and potential fleet requirements, the Subcommittee are not supportive of the extension in route or an increase in the number of services to Harington Point beyond what is currently provided. The Subcommittee also recommends that the patronage and viability of the Harington Point service should continue to be monitored.

5.6 Ridge Rider Service

The proposed RPTP proposes that the Ridge Rider Service will be introduced as a trial prior to implementing the services into a Unit.

5.7 Wakatipu Basin

The Queenstown Lakes District Council in conjunction with NZTA is presently undertaking a review of the issues surrounding the effectiveness and efficiency of their transport network, an outcome from which may include additional public transport services as part of the solution.

The Subcommittee considers it appropriate that the final definition of route structure, frequency of service, fare structure, Unit/s definition, and implementation of long term PTOM contracts should be driven from a review of the Wakatipu network.

Accordingly the proposed RPTP clarifies the need for a review of the Wakatipu Basin network to be undertaken, that PTOM contract/s for Unit/s will not be entered into until after the review of the network, and that existing services are to continue under the current arrangements in the interim.

The Subcommittee had direct consultation with parties interested in the future of Ministry of Education contracted school bus services in the Wakatipu Basin, and noted that these services are the subject of ongoing local discussion.

5.8 Dunedin Airport Service

Submissions were received in respect of scheduled services to the Dunedin airport being available from the central city bus hub. The Subcommittee considers that such a service is not a priority at this time. However the Subcommittee recommends Council in consultation with key stakeholders actively monitor the capacity and affordability of existing services and their ability to meet customer demand.

5.9 Other Route Amendments

Minor changes to the draft plan to routes for operational efficiency and convenience include changing to consistently using Clyde and Union Street East for both the Logan Park and the Port Chalmers Services to improve the number of services to and from the Tertiary precinct.

5.10 Hospital Stop

Submissions were received seeking improved access to the Dunedin Public Hospital. The Subcommittee recognises the desirability of having improved bus access to the hospital and recommends services be routed from the proposed new central city hub, along Cumberland Street, with a stop near the clinical services block entrance.

5.11 Wingatui Service Discontinuation

The proposed discontinuation of the limited and under-utilised service to Wingatui was signalled through the draft RPTP. The removal of this service was endorsed by those who submitted and therefore is still proposed to be discontinued.

5.12. Other Amendments

- *Public Safety* – in response to a submission from the NZ Police, objective policy reflecting the need to provide for public safety when providing infrastructure has been included.
- *Commercial Services* – clarity around the timing of when the existing commercial services (deemed exempt services) that are integral to the network will be de-registered by Council.
- *Total Mobility* – policy on how applications from new scheme entrants will be considered.
- *Collaborative Planning* - The need for collaborative planning between Council, the Operators and agencies such as NZTA, Territorial Local Authorities, and Ministry of Education has been reinforced.
- *Access and Mobility* – a policy relating to accessibility at bus stops has been included.

6. Zone Structure

The Draft Regional Public Transport Plan identified that four fare zone options in addition to the present seven zone structure had been investigated, with a preference identified for a three zone system with a small inner 'zone 1'.

A number of submissions were received on the zone structure ranging from a flat fare across the entire network to a straight distance based payment method.

The Hearings Subcommittee considered the options presented, the alternatives submitted, the projected fare implications, and the equity of the proposed new zonal system, particularly for the greater distance services, and are of the view that two outer zones be added; zone 4 covering Harrington Point and Waikouaiti/Karitane services, and a separate zone 5 for the Palmerston services.

A diagram of the recommended fare zone structure is included in the proposed Plan.

The Subcommittee recommends that Council monitor the impacts of the new zone structure and in particular the effects on patronage.

7. Fare Levels

It is noted that while there is an obvious relationship between fare structure and fare levels, the Regional Public Transport Plan process is not the vehicle for consideration of fare levels or concession products. The opportunity for those considerations is annually through the Long Term Plan/Annual Plan process. There are contractual and revenue sharing requirements should there be changes.

The Subcommittee does however recommend that the Council, through the Draft 2015-2025 Long Term Plan process, take the opportunity of surveying both bus users and ratepayers on their appetite for fare increases and/or rate increases to fund future service improvements.

The Subcommittee also ask that when considering fares Council consider:

- social equity and users' ability to pay,
- period concessions, and
- equity between zones.

8. School Bus Services

One of the objectives stated in the Draft Regional Public Transport Plan was that the new Dunedin bus network and ticketing system would enable school pupils to access their school without the need for separate school bus services to be provided by the Otago Regional Council.

9. Simplification of Routes and Frequencies

As previously noted, principles on which the draft plan were based included bus routes to be as direct as possible, and the new network would encompass routes and frequencies that are stable and simple to remember.

10. Ticketing System

The full implementation of the changes is reliant on a new ticketing system, which is being co-ordinated in a joint procurement process by councils other than Auckland, Wellington and Christchurch with a public transport function. This Council is involved in that process at both a governance and a technical working group level.

The new system will provide 'tag on – tag off' options, free transfer within a zone, online card top up, and other modern functionality.

The Subcommittee notes the support provided in submissions received requesting improvements to ticketing and endorses the upgrade of a new ticketing system.

The Subcommittee recommends that (subject to the new ticketing system being able to accommodate the function) Council consider the adoption of a 'one last journey' initiative where card credits do not provide sufficient funding during its fare concession considerations in the draft 2015-2018 Long Term Plan.

The Subcommittee recommends that Council retain the flexibility in any new ticketing system procured to retain the ability to alter the fare structure within the life of the system.

11. Real Time Information Technology

A number of submissions requested the introduction of a Real Time system for the Dunedin network. The Subcommittee has been advised by staff that there is a promising initiative being considered which may lead to a real time information system being made available to the council in coming months for the Wakatipu Network for which funding is available.

The Subcommittee recommends Council include provision for a Real Time Information system for the Dunedin Network in the 2015-18 Land Transport Fund and that the system should as a minimum include on street display at the Central City Hub and Super Stops, as well as being accessible through the internet and smartphone technology.

12. Central Bus Hub

The network review was predicated on the establishment of a central bus hub in the city. Options for such a hub have been considered in conjunction with the Dunedin City Council, NZ Transport Agency and bus operators, and planning is underway to provide more detail around preferred options.

The concept of a central bus hub was supported through the public submission process. Discussions on preferred options have included the integration with possible Dunedin City central business district planning.

13. Otago Heritage Bus Society

The Otago Heritage Bus Society requested changes to policies to enable the continuation of their initiative to provide special services using their vehicles on days when the regular services don't presently operate, *viz.* Christmas Day and Good Friday. The Subcommittee considered the Society's proposal to be fair and reasonable and supports the continuation of their ventures, subject to the service obtaining any necessary registrations.

14. Farebox Recovery

The draft RPTP included Council's current aim of achieving a 50% farebox recovery for the Dunedin and Regional networks. Submitters including NZTA questioned the appropriateness of the target on the basis that it might influence against investing in improvements to the networks. The Subcommittee is of the view that a long term aim of 50% farebox recovery ratio is appropriate but that this should not restrict Council from making investment decisions that might see the target not being achieved for a number of years. The proposed Plan retains the 50% target as a long term goal but has been amended to reflect that during periods of investment the target may not be met.

15. Other Matters Raised

Other matters raised by submitters included:

- Comments around bus shelters and placement – referred to staff for consideration as part of the shelter/bus stop review and shelter programme.
- Comments regarding vehicle quality including the inclusion of air-conditioning. The Subcommittee noted that the contracting of commercial services will allow the Council to better control vehicle quality and recommends Council adopt Air Conditioning as mandatory should NZTA's Requirements For Urban Buses allow.
- The suggestion that patronage growth should be reflected in the goal of the Regional Public Transport Plan has been included.
- Suggestions to review current timetables will be taken into account when individual route timetables are reviewed.
- Suggestions for parking changes are to be forwarded to the Dunedin City Council.

16. Implementation Timetable

The Regional Public Transport Plan document proposes an indicative implementation timetable for the introduction of the new Dunedin network and the associated Units

Suggestions were received for a quicker realisation of the improved network. The Subcommittee considered those suggestions and having regard to existing contract terms, the requirement to contract existing commercial (deemed exempt) services, and the need to maintain a competitive market and consider a staggered roll out for the Dunedin Network to be appropriate.

17. Recommendations

That:

1. The Finance and Corporate Committee endorse the Regional Public Transport Plan Hearings Subcommittees recommendations contained within this report. and
2. The Finance and Corporate Committee recommend Council adopt the Regional Public Transport Plan Otago 2014 appended to this report. and
3. The Director Corporate Services be authorised to make minor editorial changes to the appended Plan necessary to give effect to the Hearing Subcommittee's recommendations prior to printing the publication.

Wayne Scott

Director Corporate Services

REPORT

Document Id: A695586

Report Number: 2014/1822

Prepared For: Finance and Corporate

Prepared By: Projects Manager

Date: 13 November 2014

Subject: **Significance and Engagement Policy**

1. Précis

Following the enactment of the Local Government Act 2002 Amendment Act 2014 in August 2014, Council is required, under section 76AA, to adopt a policy setting out its approach to significance and engagement, by 1 December 2014. Submissions on the policy closed on 10 November, and five submissions were received.

The purpose of this paper is to present to the Finance and Corporate Committee a summary of the submissions received, and present a revised policy for adoption.

2. Background

The amended Local Government Act (LGA) requires Council to adopt a Significance and Engagement Policy by 1 December 2014. The policy must set out:

- Council's general approach to determining the significance of proposals and decisions; and
- the criteria or procedures to be used for assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and
- how Council will respond to community preferences about engagement on decisions, including the form of consultation that may be desirable; and
- how Council will engage with communities on other matters.

The purpose of the policy is:

- to enable Council and its community to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and
- provide clarity about how and when communities can expect to be engaged in decisions; and
- to inform council at the beginning of a decision making process about the extent of public engagement that is expected before a decision is made and the form or type of engagement required.

3. Submissions Received

Council received five submissions on the draft policy, and a summary of each is presented below:

3.1 *Southern District Health Board*

The SDHB commends the Council for creating the policy. It would like to work with the ORC by either providing public health advice or even assisting in the development of strategies in

collaboration with Council to better promote healthy public policy. It has recommended no change to the policy.

3.2 Federated Farmers

Support was given for the proposed factors to be used to establish the degree of significance. Some concern was expressed that the proposed criteria did not relate to the considerations outlined in the “degree of significance”, and it was suggested that these should be combined. The financial criteria could more appropriately be shown as guidelines.

Staff comment – we agree that combining the criteria into the considerations for determining the degree of significance is appropriate and that the financial criteria should be expressed as guidelines.

Support was given for the procedures outlined in the policy, with the exception that the responsibility for reviewing and approving the assessment of significance should be with the Councillors, and not delegated to the Chief Executive and council directors.

Staff comment – we do not support the suggested change in policy, as it would be impractical to take all assessments made by staff to council for review on a six weekly meeting cycle.

Federated Farmers supports the policies relating to engagement, but asked that examples be provided of when council will not engage.

Staff comment – we do not support the suggested change. This policy focuses on when we might engage and how that engagement may be undertaken. We do not know what we may decide not to engage on.

3.3 Disabled Persons Assembly

This submission has requested changes to the policy to ensure all communications, information and services are fully accessible to all people, including disabled people. Suggestions include that information be available in Braille, large print and non text, and that information be made available on the council’s web site in NZ Sign Language.

Staff comment – we do not recommend changing the policy, but suggest this submission be passed on to our Stakeholder Engagement team for its consideration.

3.4 Fish and Game

Fish and Game has noted that the definition of significance appears to be based entirely on the Local Government Act, and that it is not clear if it is intended to apply this significance test to other areas of council. The submission asks that clarity be given as significance has a different meaning and application under the RMA.

Staff comment – a statement that this policy is Local Government Act focused should be included, clarifying that other legislation used by ORC may have its own significance provisions.

The submission asks that forms of engagement should include reference to stakeholders, as the reference to community only may ignore statutory agencies. A new section entitled “Consultation with Statutory Agencies” is also requested to outline at a high level the relationship between ORC and statutory agencies such as Fish and Game. Consideration should also be given to the establishment of a Memorandum of Understanding between ORC and statutory agencies.

Staff comment – we do not consider that a change to the policy is necessary. The policy refers to the community and to interest groups, which we consider incorporates stakeholders and statutory agencies.

Fish and Game has asked that the expanding network of automatic river flow recorders and climate stations be included in the Strategic Assets.

Staff comment – whilst these assets are important, we do not consider them to be strategic assets in terms of this policy.

3.5 Prof Samuel Mann

This submission notes that the draft policy defines significance too narrowly, and that it should include future residents, people outside of Otago, environmental consequences and positive impacts. The policy defines financial or other costs only. It should also define mechanisms for including externalities such as ecosystem services, loss of species etc. The submitter is concerned that there is no attempt to define criteria other than financial.

Staff comment – the definition of significance is defined by the Local Government Act. The criteria have been combined into the considerations for determining the degree of significance, and the financial criteria are being amended to be guidelines. Further, the addition of a statement that this policy is Local Government Act focused, should address the submitter's concerns about environmental considerations which are covered under the RMA.

4. Final Document

A copy of the recommended final document is attached, and track changes are provided to show the amendments made to the draft policy.

5. Recommendations

1. That this report be received.
2. That the amended Significance and Engagement Policy be adopted.

Wayne Scott
Director Corporate Services

**DRAFT SIGNIFICANCE and
ENGAGEMENT POLICY**

Introduction

This policy provides guidelines for determining the significance of proposals and decisions in relation to issues, assets or other matters affecting the Otago region, people likely to be affected, and the council's capability to perform.

It sets out how Council may engage the Otago community in its decision making processes, and what types of decisions may be involved.

The policy also sets out those assets considered by Council to be strategic assets.

This policy is prepared under the provisions of the Local Government Act. This policy will not apply where significance and engagement provisions are provided for in other legislation under which Council operates, such as the Resource Management Act.

Significance

The Local Government Act 2002 (the Act) defines significance, as follows:

“significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for, -

- (a) the district or region;*
- (b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;*
- (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.”*

Assessing significance is essentially a matter of judgement. Council will consider each issue, proposal, decision or matter to determine the degree of significance attached to it. The degree of significance will influence our approach to decision making. As the level of significance increases, the degree of community engagement undertaken will also increase.

Degree of significance

When determining the degree of significance of any issue, proposal, decision or other matter we will consider:

- the extent of any consequences or impacts on Otago residents and ratepayers, or stakeholders, including the consequences for or impacts on future generations. A moderate impact on a large number of residents or ratepayers, and a major impact on a small number of residents or ratepayers will have higher degrees of significance than when there is a minor impact on any number of residents or ratepayers;
- the level of public interest likely to be generated within the region or New Zealand generally;
- any likely effect on the ability of the ORC to perform its role, ~~and~~ carry out its existing activities and meet statutory timeframes;

- any financial and other costs or implications.
- the impacts on people's ability to use property or essential services;
- if the issue, proposal, decision or other matter involves a strategic asset as listed in this policy.

Judgement will set the level of community engagement and whether or not any impacts and consequences are of such a degree of importance as to require consultation on the issue, proposal, decision or other matter. The assessment will be documented, with reasons for conclusions reached.

Criteria

~~All circumstances surrounding the issue, proposal, decision or other matter must be taken into account.~~

Financial ~~considerations~~ guidelines for assessing the degree of significance

To determine whether or not an issue, proposal, decision or other matter is significant on the basis of its monetary value, comparison of its cost should be made against an appropriate base amount.

Consideration will also be given to what proportion of the community is likely to be financially affected by the issue, proposal, decision or other matter.

To assist practical situations, percentage limits may be used as guides for determining the level of significance, with respect to monetary value:

- an amount, which is equal to or greater than 10% of the appropriate base amount, could be presumed to be significant, unless there is evidence to the contrary.
- an amount, which is equal to or less than 5% of the appropriate base amount could be presumed to not be significant, unless there is evidence to the contrary.
- an amount, which lies between 5% and 10% of the appropriate base amount is a matter of judgement and depends upon the particular circumstances of the case.

Other considerations

~~An issue, proposal, decision or other matter that does not meet the financial significance guidelines may still be considered significant if it:~~

Procedures

Issues, proposals, decisions or other matters that are part of the normal day to day council operations will not require formal consideration for significance.

Matters that are in ORC's Long Term Plan and/or Annual Plan, and other policies and plans that as a requirement of legislation, have been consulted on, will not usually need further consideration under this policy.

When preparing reports to the council and its committees that require a decision, staff will complete a checklist indicating the following:

- whether or not the issue, proposal, decision, or matter has been included in an Annual Plan or Long Term Plan,
- the financial cost, if any associated with the issue, proposal, decision or matter, if it has been budgeted for, and if so, if it is within budget, and
- an assessment of the significance of the issue, proposal, decision or matter.

Authority is delegated to the Chief Executive and the council directors to review the assessment of significance on any issue, proposal, decision or matter arising, and approve the assessment made.

If an issue, proposal, decision or matter is determined to be significant, consultation will be required.

Engagement

Engagement through this policy is about how the ORC will interact with the Otago community, interest groups, and its ratepayers, as part of its decision-making processes, and how we will respond to the community's preferences on issues.

Not all decisions will necessarily require specific engagement. As the level of significance of a decision increases, the degree of community engagement undertaken will also increase.

Some engagement is undertaken to provide information to the community, including about what the council is doing, and some to get feedback from the community on its preferences in relation to issues. This policy is in respect of the engagement undertaken to seek community preferences.

Forms of engagement

Engagement takes many forms, from meeting informally with individuals and groups as part of our day to day operations, through to undertaking formal consultation processes with the whole community to seek its views on a specific matter.

When considering formal forms of engagement, the nature of the issue, proposal, decision or matter arising will help inform which engagement tool might be appropriate to the circumstance.

The sorts of tools council may use to engage with its community include:

- undertaking surveys
- using social media
- meeting with individuals, focus groups, and key stakeholders
- holding public meetings
- undertaking consultation

When choosing which engagement tool to use, consideration would be given to the circumstances of the matter including:

- who is being affected by the matter, i.e., is it a small focused group, or region wide, and how are they being impacted;
- what information does council already hold on community preferences in relation to the matter; and

- what is the level of significance of the matter, and the level of urgency in making a decision on it.

Legislative requirements for consultation

Consultation is just one tool of engagement. Both the Local Government Act (LGA) and the Resource Management Act (RMA) have provisions around consultation.

Local Government Act 2002

In Section 82 of the LGA, the principles of consultation are provided. These principles include the following:

- anyone who may be affected or have an interest in a decision or matter should be encouraged to present their views to the local authority;
- the views presented should be received with an open mind, and given due consideration when making a decision; and
- processes must be in place for consulting with Maori.

Within this section the council has discretion to apply the principles in a manner it considers appropriate to any particular instance.

The LGA also sets out those circumstances when consultation in accordance with Section 82 must take place, and includes:

- development of this Significance and Engagement policy
- annual plans
- amending funding and financial policies

In Section 83, the LGA provides for a prescribed form of consultation, being the special consultative procedure. This procedure includes:

- preparation of a statement of proposal, which provides information on the matter to be consulted on, and making this publicly available;
- providing a period of not less than one month for people to provide their views on the proposal; and
- providing an opportunity for people to present their views to council in person or by way of audio link or audiovisual link.

The LGA also sets out those circumstances when Council must use the special consultative procedure for engaging with the community. They include:

- making, amending or revoking a bylaw; and
- adopting or amending a Long Term Plan.

Resource Management Act 1991

The RMA sets out the process for consultation that Council must use when developing policy statements, or regional ~~or district~~ plans under this Act, and processing applications for resource consent. The steps can include:

- giving public notice of the consultation and sending a copy of the notice to anyone council thinks may be affected, and
- allowing ~~40 working days~~ a period of time for receiving submissions, and
- advertising that a summary of submissions received is available, and inviting further submission, and
- providing an opportunity for people to present their views.

These legislative requirements for consultation cover a high proportion of matters that Council would otherwise wish to engage the Otago community on.

Other engagement matters

There are many other situations when the council will engage with individuals, groups, stakeholders and communities.. These include but are not limited to the following:

- matters determined to be significant, if not already consulted on under legislative requirements;
- engaging with individuals and communities on water quantity issues and the availability of water;
- engaging with individuals and communities on water quality issues, and ways to comply with council's Water Plan requirements;
- liaising with those living within our flood protection and drainage scheme areas on scheme matters;
- engaging with communities on ways to improve air quality;
- engaging with land owners and occupiers on matters including pest animal and pest plant controls; and
- seeking information on customer satisfaction with services provided, and the council as a whole.

In all cases where engagement has been undertaken as part of Council's decision making processes, community preferences will be taken into consideration prior to any decision being made. Reports to Council and Committees prepared by staff will provide details of any engagement undertaken including the preferences of the community on the matter being decided upon.

Consultation with Maori

Council has in place a "Memorandum of Understanding and Protocol between Otago Regional Council, Te Rūnanga o Ngāi Tahu and Kāi Tahu ki Otago for Effective Consultation and Liaison". The memorandum and protocol were first established in 2001, and are reviewed and updated as appropriate.

Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whānui, a body corporate established 24 April 1996. The takiwā (area) of Ngāi Tahu Whānui includes the entire area of Otago Region.

It is the acknowledged practice of Te Rūnanga o Ngāi Tahu that consultation in the first instance is with the Papatipu Rūnanga. In the Otago Region there are four Papatipu Rūnanga being:

- Te Rūnanga Moeraki;
- Kati Huirapa Rūnanga ki Puketeraki;
- Te Rūnanga o Ōtākou; and
- Hokonui Rūnaka.

Council has statutory responsibilities to consult with Iwi and Maori on relevant management issues in the region and to take into account the principles of the Treaty of Waitangi. These obligations are primarily under the RMA 1991, the Ngāi Tahu Claims Settlement Act 1998, the Ngāi Tahu Claims Settlement (Resource Management Consent Notification) Regulations 1999, the Biosecurity Act 1993, and the Local Government Act 2002.

Consultation is required on the development, review and implementation of the Council's regulatory plans, policies and strategies under the LGA, RMA and Biosecurity Act. For such plans, policies and strategies, consultation and building of knowledge is mutually supported and facilitated through specific consultancy agreements between the Council and Kāi Tahu ki Otago Limited.

Meetings are held each year with representatives from the four Papatipu Rūnanga, Te Rūnanga o Ngāi Tahu, and Te Ao Marama, and discussions include Council's work programmes and plans.

Consent approvals and other regulatory permissions, wherever required by statute or plans, when being impacting Iwi / Maori interests and understandings, will involve consultation with Iwi / Maori.

Strategic Assets

The Act defines strategic assets as:

“strategic asset, in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future wellbeing of the community; and includes:

- (a) Any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and*
- (b) Any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and*
- (c) Any equity securities held by the local authority in –*
 - i. A port company within the meaning of the Port Companies Act 1988:*
 - ii. An airport company within the meaning of the Airport Authorities Act 1966.”*

The assets that the ORC holds and considers to be strategic are:

- ORC shares held in Port Otago Limited
- Flood Protection and Drainage Schemes

REPORT

Document Id: A689286

Report Number: 2014/1701
Prepared For: Finance and Corporate Committee
Prepared By: Director Policy, Planning and Resource Management
Date: 5 November 2014

Subject: **Authorisations for designations**

1. Précis

This report outlines the Otago Regional Council's (ORC) current designations, and recommends changes the ORC may make as part of the Dunedin City Council's (DCC) district plan (the plan) review. Council is requested to authorise these recommendations or to provide alternative instruction.

2. Authorisation Required

The following authorisations are requested from Council:

1. Approval to amend and withdraw existing designations as outlined in section 6.1 as part of the district plan review; and
2. Approval to request new designations from DCC as outlined in section 6.2 as part of the district plan review; and
3. Approval to consult with affected land owners as outlined in section 4.

3. Background Information

As part of its district plan review the DCC has, as required under the RMA, invited ORC to formally confirm if it wishes to make any modifications to its designations listed in the current district plan.

Under the Resource Management Act, ORC is defined as a Requiring Authority as it has responsibilities for public works and assets, such as flood protection schemes within the Dunedin district. Designations act like 'spot zoning', authorising the Requiring Authority to undertake any defined works in accordance with the designation without being subject to the usual zone provisions of the district plan for that site. A designation also places restrictions on what anyone other than the Requiring Authority can do on the designated land without first getting the Requiring Authority's permission.

Council staff propose both new designations and modifications/deletions to those currently listed in the plan, and these are discussed further in section 6.

ORC's legal counsel has endorsed the recommendations as being appropriate.

4. Designation Process

Designations can be sought/amended (known as a ‘notice of requirement’ or NOR) by either a specific application to a local authority or as part of a district plan review process. The advantage of taking the option of bundling the NOR with the district plan review process is that, while it may not be as timely an option as applying outside the plan process, it is likely to be more efficient in terms of cost.

There are no current external pressures in respect to ORC designations that would give staff any reason to recommend not taking advantage of the cost efficiencies of applying as part of the district plan review.

For designations ORC wishes to amend or delete, the relevant information simply needs to be provided to the DCC. No other parties need to be involved.

For the new designations, the DCC will require details of what consultation has been undertaken. In the case of the infrastructural assets, ORC will need to consult with the private land owners whose interests are affected.

The level of consultation proposed is formally writing to each relevant land owner, explaining the designation/s the council is seeking, why they are being sought, and the benefit to the landowner.

Should a landowner oppose the designation, they may make a submission on the notified district plan and will have appeal rights should they not be satisfied with the decision.

Other matters to do with landowners’ objections and risk to Council are discussed in section 7.

5. ORC’s Current DCC Designations:

5.1 Current designations held by the ORC in the district plan are:

DCC Code	Description
D211	Regional House, Stafford Street
D212	East Taieri Depot, Riccarton Road
D213	Pest Services Depot, Snow Avenue, Middlemarch
D214	‘Principal premises of the Otago Regional Council’, Junction of Kitchener and Birch Streets

Full details and conditions of these current designations are appended to this memo.

6. Proposals for Existing and New ORC Designations

6.1 Modifications and Deletions

As the following assets are now surplus, it is proposed ORC request DCC to uplift designations D212 [East Taieri] and D213 [Pest Services Depot].

The East Taieri depot designation will not be removed until the asset has been sold by Council. If the sale does not occur prior to notification of the proposed district plan, the removal of this designation will be dealt with separately at a later date.

No change is required for D211 [Regional House] as no new or outdated activities for this site are applicable.

6.2 New Designations Recommended

Site/Asset	Specific Asset	Reason
Lower Taieri Flood Scheme and West and East Taieri Pump Stations	<ul style="list-style-type: none"> • Floodbanks • Ponding Areas • Pump Stations • Scheduled Drains 	<p>Managing the integrity of the ORC's operational flood protection assets (flood banks and pumping stations) for the lower Taieri area is vital to ensure it operates effectively.</p> <p>While the Flood Protection Management Bylaw 2012 controls activities which may affect the operational integrity of the flood protection works, a designation will not only increase the profile and general awareness of these assets, but also afford them a further degree of legal recognition and protection.</p>
Leith flood protection scheme	<ul style="list-style-type: none"> • Channel Walls • Weirs • Debris Traps • Gravel Traps 	<p>Given the importance and investment in this scheme, it is appropriate to protect and better define the scheme using a designation.</p> <p>While there is no immediate plan to undertake flood protection works in the Lindsay Creek catchment, the designation would provide ORC with a certain level of authorisation to do so in future and supersede the need for certain resource consents from the DCC that it previously was required to obtain.</p>

7. Risk

Designations can pose a risk to a requiring authority that relates to a designation restricting an existing use of land and/or eroding the land's value below its market value. In such scenarios the Environment Court may order ORC to purchase the land.

However, the assets that are sought to be designated are such they either provide a current beneficial effect for the land owner or relate to possible future works that also would be to provide protection and benefit. Therefore the risk is seen as minor.

If the Council was notified its NOR would result in a likely order to purchase a piece of land, it could choose not to have the NOR relate to that specific piece of land.

8. Conclusion

The Council has a number of critical infrastructural and operational assets that are important for Council to ensure that their on-going use is authorised and efficient, as well as the assets being robustly protected from third party activities which could negate their function.

The recommended designations will complement other regulatory mechanisms already in effect and assist with promoting a greater understanding between DCC, ORC and the public as to ORC's interests in matters related to these assets.

9. Recommendations

That the Council:

1. Request DCC to uplift designations D212 [East Taieri] and D213 [Pest Services Depot].
2. Request new designations for:
 - (a) Lower Taieri Flood Scheme and West and East Taieri Pump Stations, and
 - (b) Leith Flood Protection Scheme.
3. Consult with affected land owners as outlined in section 4 above.

Fraser McRae
Director Policy, Planning and Resource Management



50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Telephone: 03 477 4000, Fax: 03 474 3488
Email: dcc@dcc.govt.nz
www.dunedin.govt.nz

Chief Executive Officer
Otago Regional Council
Private Bag 1954
Dunedin 9054



Dear Mr Bodeker

Sarah V/Dale
MSS

Designations: Dunedin City District Plan Review

According to our records your organisation is the requiring authority for the designations set out in the attached schedule. As you may be aware, the Dunedin City Council is preparing a second generation District Plan. As part of the preparation of the District Plan, Clause 4 of Part I to the First Schedule of the Resource Management Act 1991 requires:

"Before a territorial authority publicly notifies a district plan under clause 5, it shall, by written request, invite requiring authorities which have a designation in the district that has not lapsed, to give written notice to the territorial authority stating whether the requiring authority requires the designation to be included in the proposed plan, with or without modification."

We are working toward a notification date for the new Plan in early 2014. The actual date will be dependant in part on the consultation process we are undertaking this year. We are writing to you now to give you as much time as possible to review your designations as part of this process. We will send another formal request closer to the date of notification with a final date for a response based on a more accurate estimate of the notification date.

If you require a designation to be modified, then you will need to provide information on the nature of, and reasons for, the modification. Any existing designations to be included in the proposed plan, with or without modification, will be publicly notified as part of the District Plan and will be subject to the proposed plan process. Additionally any notice of requirement for a new designation received within 40 working days of notification of the proposed plan may, with the consent of the requiring authority, be included in the proposed plan and be subject to that process.

If you would like to discuss any part of the process, your designations, or have any questions please contact me on (03) 477 4000, direct dial 03 474 3325 or email - pfreelan@dcc.govt.nz.

Yours faithfully

Paul Freeland
SENIOR PLANNER, CITY DEVELOPMENT

Encl.

D211

Designation Number	Requiring Authority	Designation Name And "Purpose"	Location	Legal Description	Existing, Modified Or New	Comments	Conditions	Map Number
D211	Otago Regional Council	Regional House - "Otago Regional Council Purposes, specifically: office administration activities; public meetings and functions; receiving, handling and re-dispatching water samples for analysis off-site; operation of environmental and civil defence emergency services; car parking."	66 Stafford Street, Dunedin	Lot 1 DP 19063, and Lots 1 and 2 Deeds 427	Modified	Modified to include additional land owned by the Requiring Authority (Lots 1 and 2 Deeds Plan 427).	Yes	47

Conditions

1. The following yard requirements shall apply in respect of all new structures proposed for the site:
 - i. Front yard - 3 metres
 - ii. Side and rear yards - 1 metre
2. Height plane envelope: all buildings erected on site shall be contained within a height plane envelope created by forming a plane originating on the boundary line at ground level and inclining at an angle of 72° into the site.
3. The maximum height of all new structures at the site shall be the height of the tallest structure present at the site on 4 September 1996.



D212

Designation Number	Requiring Authority	Designation Name And "Purpose"	Location	Legal Description	Existing, Modified Or New	Comments	Conditions	Map Number
D212	Otago Regional Council	East Taieri Depot - "Otago Regional Council Purposes, specifically: office administration activities; light engineering works; storage of parts and equipment for light engineering works including flood control purposes; storage of documents; storage of up to 50 litres of fuel or oil; storage of ammunition and firearms; storage of vehicles and equipment; storage of chemicals for control of pest plants, willows and pest animals; processing of toxic bait formulations for feral animal control."	Riccarton Road, East Taieri, Dunedin	Pt Lot 15 DP 1846	Existing	Modified to correct legal description Nov 2009	Yes	27



Conditions

1. The following yard requirements shall apply in respect of all new structures proposed for the site:
 - i. Front yard - 20 metres
 - ii. Side and rear yards - 6 metres
2. The maximum height of all new structures shall be either the height of the tallest structure present on the site at 4 September 1996 or 10 metres, whichever is the greater.
3. There shall be sufficient car parking provided on-site to accommodate the needs of all persons undertaking activities at the site.
4. There shall be sufficient vehicle manoeuvring areas provided on-site to avoid encroachment on to the roadway by manoeuvring vehicles.
5. All necessary approvals relating to the storage and handling of dangerous goods and to the storage, use and disposal of hazardous substances shall be obtained.
6. The storage, use and disposal of hazardous substances will be in accordance with the Otago Regional Council's standard specifications for pest control, which shall include observance of all relevant statutory requirements. A copy of the operative specifications shall be provided to the Dunedin City Council for reference.
7. Procedures for avoiding or mitigating the potential adverse effects of flooding from the Silverstream shall be prepared by the Otago Regional Council and reviewed on an annual basis. A copy of the operative procedures shall be provided to the Dunedin City Council for reference.

D213

Designation Number	Requiring Authority	Designation Name And "Purpose"	Location	Legal Description	Existing, Modified Or New	Comments	Conditions	Map Number
D213	Otago Regional Council	Pest Services Depot - "Otago Regional Council Purposes, specifically: light engineering works; storage of up to 50 litres of fuel or oil (as stored in approved containers and excluding fuel and oil resident in vehicle or machinery tanks); storage of documents; storage of ammunition and firearms; storage of vehicles and equipment; storage of chemicals for the control of pest plants, willows and pest animals; processing of toxic bait formulations for feral animal control."	Snow Avenue, Middlemarch, Dunedin	Pt Lots 32 and 34 Bik V DP 825	New		Yes	2



Conditions

1. The maximum height of all new structures shall be either the height of the tallest structure present on the site at 21 November 1996 or 9 metres, whichever is the greater.
2. The following yard requirements shall apply in respect of all new structures proposed for the site:
 - i. Front yard - 4.5 metres
 - ii. Side and rear yards - 2 metres
3. All necessary approvals relating to the storage and handling of dangerous goods and to the storage, use and disposal of hazardous substances shall be obtained.
4. The storage, use and disposal of hazardous substances will be in accordance with the Otago Regional Council's standard specifications for pest control, which shall include observance of all relevant statutory requirements. A copy of the operative specifications shall be provided to the Dunedin City Council for reference.

D214

Designation Number	Requiring Authority	Designation Name And "Purpose"	Location	Legal Description	Existing, Modified Or New	Comments	Conditions	Map Number
D214	Otago Regional Council	Principal Premises of the Otago Regional Council – "All Regional Council functions and ancillary activities."	Junction of Kitchener and Birch Streets, Dunedin	Sec 35 Blk LXI Town of Dunedin, Pt Lot 1 DP 22587, Pt Lot 2 DP 22365, and Pt Lot 2 DP 22285	New		Yes	49

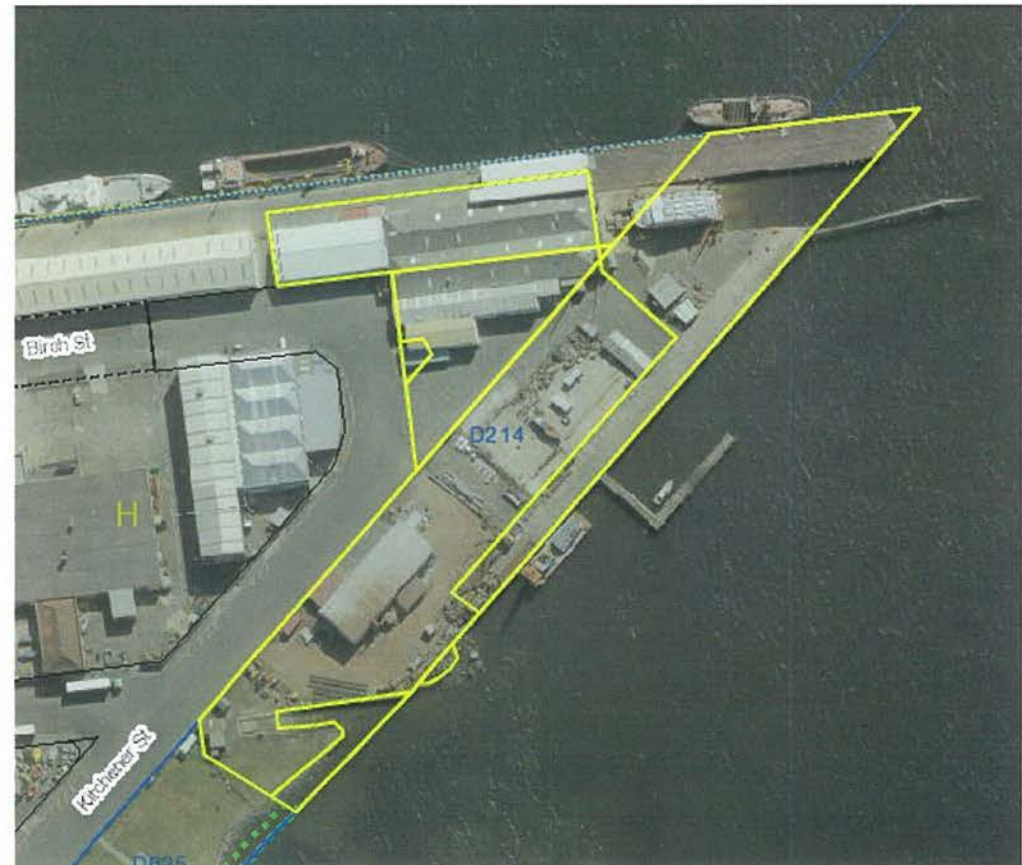
Conditions

- Prior to the commencement of construction of the principal premises, the Requiring Authority shall submit an Outline Plan to the Dunedin City Council that shall include, but not be limited to, the following:
 - The final design of the building and overall site plan; and
 - Details of landscaping and urban design elements of public space areas.
- Noise during construction of the principal premises shall comply with the requirements of NZS 6803:1999 "Acoustics – Construction Noise". Operational noise generated on the site designation area shall comply with the following maximum noise limits, when measured at the boundary of any other site.

0700 – 2100 60 dBA L10

2100 – 0700 40 dBA L10

Noise shall be measured in accordance with NZS 6801:1991 "Measurement of Sound".



3. The building shall be acoustically insulated to achieve an indoor design sound level of 40 dBA L10 in spaces intended for office work or similar, under all uses of the existing slipway. A qualified acoustic engineer shall certify that the proposed building construction will achieve this internal design noise level. The certification shall be independently peer reviewed by another qualified acoustic engineer who shall also certify this internal design noise level can be achieved prior to completion of the building design.
4. Prior to the commencement of construction of the principal premises, the Requiring Authority shall submit to the Dunedin City Council a Site Operation Plan that addresses the ongoing management of the operations of the principal premises and the slipway. The plan shall have as a minimum cover:
 - A communication protocol to ensure that the Otago Regional Council and the slipway operators are aware in advance of each other's outdoor activities; and
 - Documentation of existing and developing environmental management protocols.
5. The principal premises shall not be occupied until such a time as the adjacent wharf at Birch Street has been upgraded to the following wharf design targets:
 - Targeted structural loading for the wharf areas will be normal highway bridge design loadings, engineering advice received states that this loading would allow an 80 tonne crane to access the slipway area;
 - Structural design life of not less than 50 years; and
 - Materials sympathetic with the existing heritage nature of the wharfs.
6. An accidental discovery protocol shall be in place during construction activity. If any archaeological features are found, they shall not be further disturbed until they have been examined by an archaeologist. Any archaeological deposits found should either be left untouched and reburied (preferable), or properly sampled, recorded and a full report prepared.

Any artefactual material found at the site should be properly recorded and curated. Final disposal of any such material should be negotiated between the landowner, Otago Museum and New Zealand Historic Places Trust.

Should the geotechnical investigation monitoring suggest it is necessary for an archaeological authority to carry out works at the site, this will be obtained by the requiring authority.

7. If the requiring authority:
 - (a) Discover koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the requiring authority shall without delay:
 - (i) Notify the Consent Authority, tangata whenua and New Zealand Historic Places Trust, and in the case of skeletal remains, the New Zealand Police.
 - (ii) Stop work within the immediate vicinity of the discovery to allow a site inspection by the New Zealand Historic Places Trust and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an archaeological authority is required.
 - (b) Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.
 - (c) Site work shall recommence following consultation with the requiring authority, the New Zealand Historic Places Trust, tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

REPORT

Document Id: A696450

Report Number: 2014/1840
Prepared For: Finance and Corporate Committee
Prepared By: Director Corporate Services
Date: 14 November 2014

Subject: **Executive Report - November 2014**

1. NZTA Financial Assistance Rate

The NZ Transport Agency has advised the results of its review of financial assistance rates (FAR) for subsidised programmes. Activities of this Council receiving financial assistance include public transport (58% capital and 50% operational), and regional transport planning (63%).

The 'average' FAR rate currently received by the Council across all activities is assessed at 53%.

The NZ Transport Agency is changing to a single FAR rate, assessed for each authority. The applicable rate for this Council for 2015/16 is 52%, reducing to 51% for 2016/17 and beyond.

The impact on the Council will depend on the mix of activities.

2. Oamaru Presence

In recognition of the increasing Council activity in North Otago, a lease has been taken on the former Rabobank premises in Ribble Street, Oamaru, to provide a domicile for the two Oamaru based staff, and a public face and availability for our North Otago communities. Initially the premises will be open for the public when operational staff are at the office.

3. Otago Rural Fire Authority Funding

A suggestion was raised at a recent meeting of the Otago Mayoral Forum that, given the regional nature of the Otago Rural Fire Authority, consideration could be given for the Otago Regional Council to rate and provide the funding for the new authority presently contributed by constituent territorial local authorities.

A legal opinion received has noted that rural firefighting is principally undertaken under the Forest and Rural Fires Act 1977, and a regional council is not a fire authority under that Act. That Act confers no powers or functions on regional councils for firefighting, nor any provision for regional councils to rate for firefighting purposes.

Accordingly, this Council is unable to make and levy rates for the Otago Rural Fire Authority.

4. Account Payments

Schedules of payments are referred to the Finance and Corporate Committee for endorsement. The financial commitments and payment authorisations are made in accordance with Council's financial delegations and internal control procedures.

5. Payment Categories

Payment Categories	August 2014	September 2014	October 2014	Total
Trade & general Payments	2,515,116.16	2,759,113.83	4,386,049.82	9,660,279.81
Payroll	608,239.44	904,178.05	596,922.62	2,109,340.11
Investments	-	-	1,750,000.00	1,750,000.00
Total	\$3,123,355.60	\$3,663,291.88	\$6,732,972.44	\$13,519,619.92

6. Bank Signatory

Sarah Munro has been appointed to the position of Senior Accountant and commenced duties on 10 November 2014.

Sarah's duties include the signing of cheques and other instruments drawn on the Council's bank accounts and the authorisation of electronic bank transactions.

It is recommended that the appropriate Council authorisation be made.

7. Recommendations

- (1) That this report be received.
- (2) That the payments and investments summarised in the table above and detailed in the tabled schedule totalling \$13,519,619.92 be endorsed.
- (3) That Sarah Munro be authorised as a signatory to the Council's bank accounts.

Wayne Scott
Director Corporate Services

OTAGO REGIONAL COUNCIL**Agenda for a meeting of the Communications Committee to be held in
the Council Chamber, 70 Stafford Street, Dunedin on Wednesday
26 November 2014 following the Finance and Corporate Committee
meeting**

Membership:

Cr Trevor Kempton (Chairperson)
Cr Graeme Bell (Deputy Chairperson)
Cr Doug Brown
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Sam Neill
Cr Gretchen Robertson
Cr Bryan Scott
Cr David Shepherd
Cr Stephen Woodhead

Apologies: **Cr Sam Neill**

Leave of absence:

In attendance:

**Please note that there is an embargo on agenda items until 8.30 am on Monday
24 November.**

CONFIRMATION OF AGENDA**PUBLIC FORUM****MINUTES**

The minutes of the meeting held on 15 October 2014, having been
circulated, for adoption

Matters arising from minutes

FOR NOTING

Item 1

2014/1717 **Stakeholder Engagement Report.** DSE, 30/10/14

Reporting on community, stakeholder and staff engagement activities carried out by Stakeholder Engagement directorate staff since the last meeting.

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Communications Committee held in the
Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 15 October 2014 commencing at 11.50 am**

Present:

Cr Trevor Kempton (Chairperson)
Cr Graeme Bell (Deputy Chairperson)
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Sam Neill
Cr Bryan Scott
Cr David Shepherd
Cr Stephen Woodhead

Apologies:

Cr Doug Brown
Cr Gretchen Robertson
The apologies were accepted on the motion of Crs Croot and Deaker.

In attendance:

Peter Bodeker
Wayne Scott
Jeff Donaldson
Jane Leahy
Fraser McRae
Gavin Palmer
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 4 September 2014, having been circulated, were adopted on the motion of Crs Woodhead and Croot.

Matters arising from minutes

There were no matters arising from the minutes.

FOR NOTING

Item 1

2014/1463 **Stakeholder Engagement Report.** DSE, 2/10/14

The report described community, stakeholder and staff engagement activities carried out by Stakeholder Engagement directorate staff since the last meeting of the Communications Committee.

Plan Change 6A

In response to a question Mrs Leahy explained that staff would check the current awareness level in the farming community before the region-wide awareness visits. She understood that Ravensdown and Ballance would continue to develop nutrient budgets, and they would have representatives on the OVERSEER stakeholder group. Staff from across all Council departments would be involved in the distribution of 6A information. It was estimated that 30 additional staff would be needed to distribute the information to landholders around the region, and Councillors were invited to be part of this exercise. Those who had been flagged as having difficulty in meeting 6A requirements were in most cases already scheduled for regular Compliance visits.

Land, biodiversity and biosecurity

The S (Soil) maps were now available on the Council's website.

Air quality

In response to a question about ORC support for ECan's in-house behavioural change project, Mrs Leahy advised that a decision was expected soon on ECan's application to the Ministry of Social Development for funding from the Community Development Fund.

Mrs Leahy advised that work was ongoing to strengthen contacts in areas where poor air quality was a problem.

Customers and other stakeholders

Councillors were pleased to note that policy submission forms were available on line, and forms would soon be available for ratepayers to update their rates contact information and to request rates remissions. It was pointed out that there was increasing contact via the website, and Council needed to ensure that information was accurate and up to date. Mrs Leahy agreed, noting that the website needed a better content management platform, and also needed to be more user friendly.

Public uncertainty over the processes for irrigation and for the 2021 mining privilege changes was noted, and the point was made that while there were significant resources available, it seemed that more education was needed in some parts of the region.

Cr Shepherd moved
Cr Deaker seconded

That the report be noted.

Motion carried

The meeting closed at 12.12 pm

Chairperson

REPORT

Document Id: A690365

Report Number: 2014/1717

Prepared For: Communications Committee

Prepared By: Director Stakeholder Engagement

Date: 30 October 2014

Subject: **Stakeholder Engagement Committee Report - October 2014**

This report records stakeholder engagement activity between September 24 and 1 November

The reporting period has focussed on preparation for the water quality farmer visits and the development of our long term plan.

1. Water Quality and Quantity

Water quality work has continued to focus on the following five areas;

- Cultivating early adopters
- Working with agencies and rural professionals
- Establishing key messages
- Developing resources for immediate use
- Developing a plan that maximises the use of resources to deliver this target.

1.1. Early Adopters

The interest in the water quality rules has continued to be strong with around 350 telephone enquiries received since the launch. We are preparing the Customer Services team to be the first responders for water quality enquiries in preparation for an increase in enquiries as we launch into farmer visits early in 2015.

1.2. Agencies and Rural Professionals

We have completed a number of activities aimed making sure agencies and rural professionals understand the new rules so they can then advise farmers on system changes. We:

- Had CEO Peter Bodeker speak to over 40 sheep and beef farmers at a Rabobank event in Oamaru
- Presented information to 330 delegates from across New Zealand at the National Grasslands conference in Alexandra
- Met with Dairy NZ staff to discuss 6A and what support they needed from us for their upcoming events focused on 6A
- Met with Clutha Development Trust to discuss their new water quality management project working across the Clutha District area

- Provided Federated Farmers with 6A information to enable them to make their own presentations on 6A
- Attended three separate Dairy NZ and Beef and Lamb field days to support their staff in presenting on 6A to over 150 farmers in South Otago
- Attended a Beef and Lamb Farm Plan workshop in Middlemarch

1.3 Key Messages

Work is also continuing on the expansion of our key messages to ensure consistency of information delivery. These will be used in the water quality training for staff in the New Year. An intranet page dedicated to providing information on the water quality regime for staff has been set up.

1.4 Resources

We have a communications pack on the new water quality rules almost completed. This will be handed out as part of the farmer visits and be used as a resource for other events.

A comprehensive FAQ has been produced and placed on the ORC website. Waterlines summer edition was distributed to all rural Otago addresses (approx. 10,000 copies). This issue focussed on the water quality rules. Copies are also being distributed by compliance and community liaison staff during field activities and by partner agencies such as Dairy NZ and Beef and Lamb.

1.5 Planning

Planning is well underway for the pilot for awareness visits to landholders in Otago. The pilot is being undertaken in the last week of November and will include a visit to landholders in a pilot area when they will receive the communications pack. We will telephone 20 percent of those visited to assess the effectiveness of the visits and determine what improvements we will make for the full visit schedule to occur from February through to July 2015.

A brief has been prepared for research companies to survey rural landholders on their awareness of the water quality rules. The results of this will contribute to benchmarking the effectiveness of our engagement programme and identify if any changes of approach are needed.

We have used the ORC Strategic Plan to guide our thinking in developing draft high level goals and activities for the Plan Change 6A project in the Long Term Plan. In particular, we have explored how our activities will work in the areas of facilitation, information, investment, and certainty.

2 Land, Biodiversity and Biosecurity

About 20 people attended a wilding pine field day held by Environmental Officer Richard Heyward near Naseby. We informed people about the problem, its causes, their responsibilities for control, and control methods.



Marty Grounds of Groundspray Environmental Weed Control instructs ORC field day participants on wilding pine control methods.

A small media publicity campaign promoted public awareness of the wallaby problem in parts of Otago.

3 Air Quality

The Environment Canterbury in-home behavioural change project funding application has progressed but has yet to be approved.

4 Hazard and Risk Mitigation

We have published a report on Coast Morphology of South Otago: Nugget Point to Chrystalls Beach. The findings will be presented at a community meeting being planned for Kaka Point.

5 Regional Land Transport

Nothing to report.

6 Statutory Responsibilities

Nothing to report.

7 Customers and Stakeholders

Southern District Health Board

We attended a Southern District Health Board consultation session to hear about their Draft Southern Strategic Health Services Plan 2015 – 2025. We will review the draft document to understand the relationship with activities that are related to ORC work, such as air and water quality, and determine whether we can add value with a submission.

Customer Services

Customer Services has picked up the handling of rates enquiries this year and is preparing to take on enquiries relating to the water quality rules in 2015.

We have begun work on benchmarking how councils, and other organisations, add value to their organisations through a centralised customer service model. Both Dunedin City Council and Environment Canterbury have provided a high level of cooperation in showing us processes, structures and technology used to provide an enquiry service. These discussions have also identified areas, such as training, where we could reduce costs by coming together for common topics.

Summary of media and social media activity

Six media releases were prepared and distributed in the period. Topics included the council's presentation to Jolyon Manning; the new inspections regime for dairy farms; and the draft Significance and Engagement policy.

We received and responded to three letters to the editor – one relating to Manuherikia water quality (Director Engineering, Hazards, and Science) and two relating to buses (Manager Support Services).

ORC activity received 93 print media mentions and eight broadcast media mentions, with topics including water quality, rook control, and bus services.

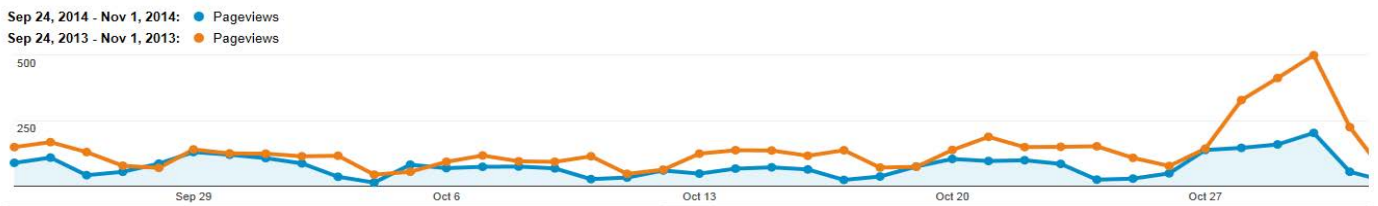
We put out 16 posts on Facebook and sent out 20 tweets to Twitter (including one retweet). Subjects included rates, air pollution, the council's visit to Central Otago, and staff vacancies. As at 6 November we had 86 likes on Facebook, and 250 followers on Twitter.

Web development and traffic summary

Updates are made daily to the ORC website. 92 changes were made during this period.

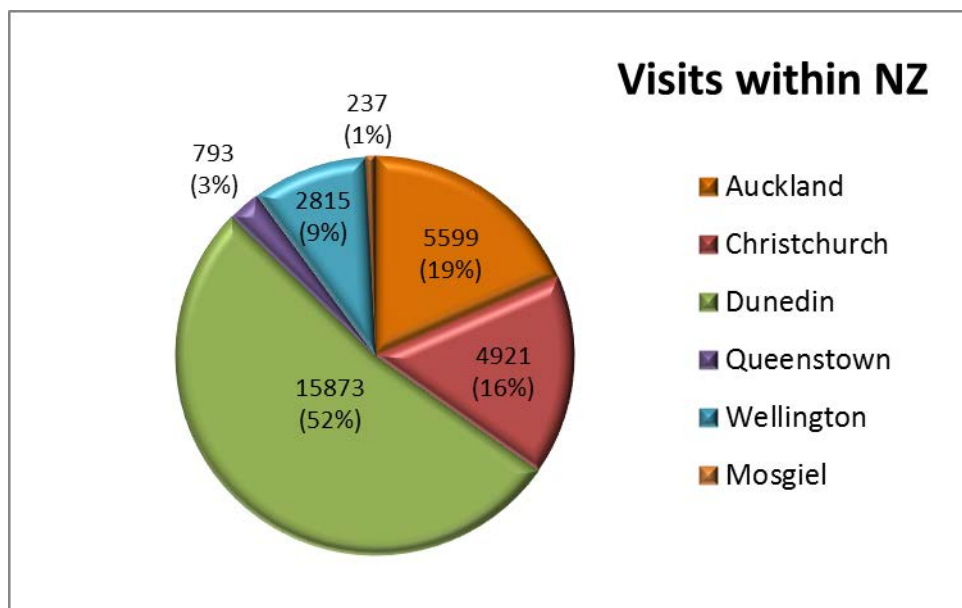
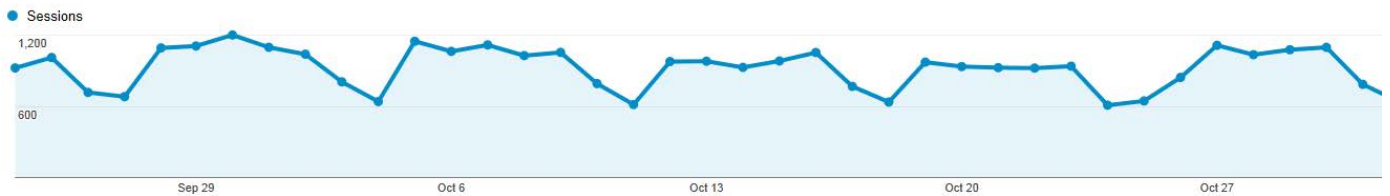
Our website policy is to offer more services online. During this period new online forms were added for rates detail adjustment, submitting on the draft significance and engagement policy, and on Proposed Plan Change 4C and 3B.

This year the communications team produced a new format for the rates information brochure, highlighting key projects and describing the percentage of rates spent in each area. It is possible that the improved style of this communication meant people were more informed about rating issues than previously and had less need to visit the webpage as the brochure answered many common rates questions. This could explain the drop in webpage views for rates from 499 on 31 October last year (last day for payment without incurring penalties), to 203 on the same day this year.



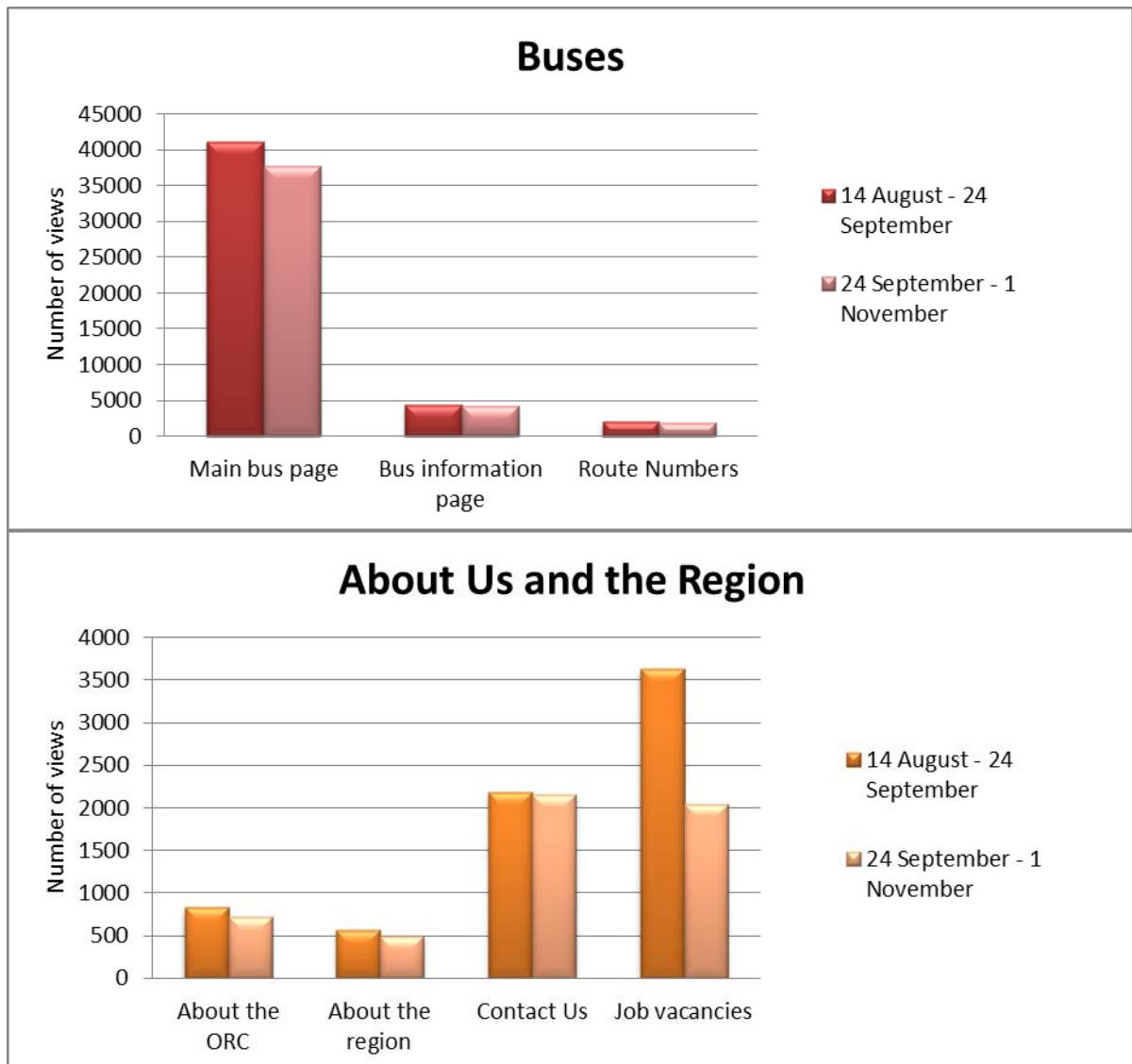
Daily visits to the ORC Website

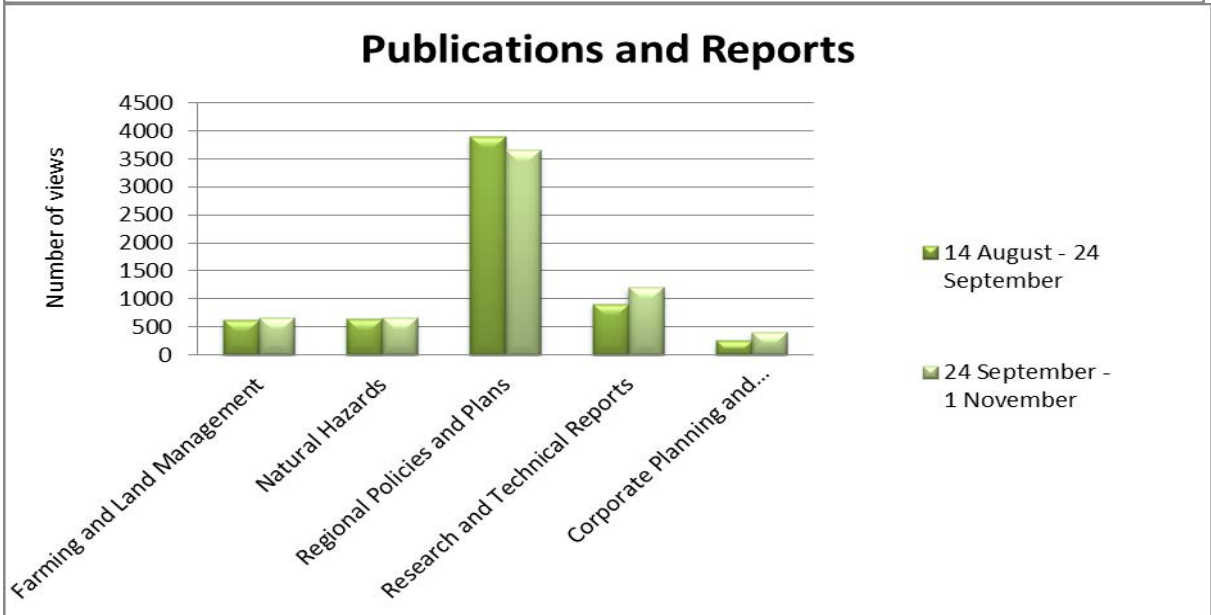
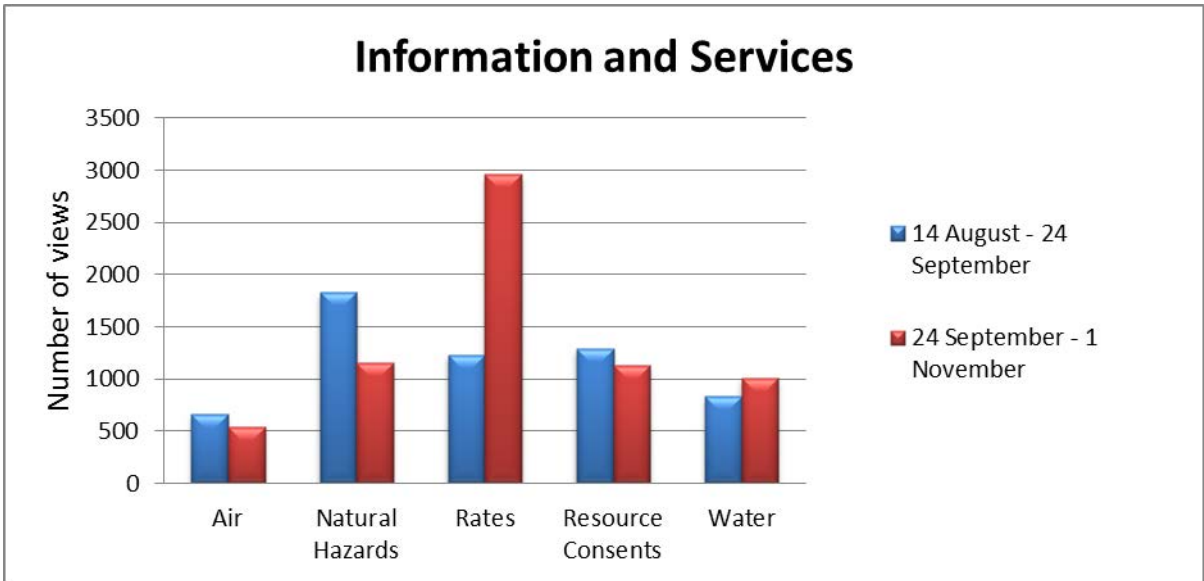
During this period there were 33,055 visits to the ORC website from New Zealand, 875 from Australia, and 491 from the United States.

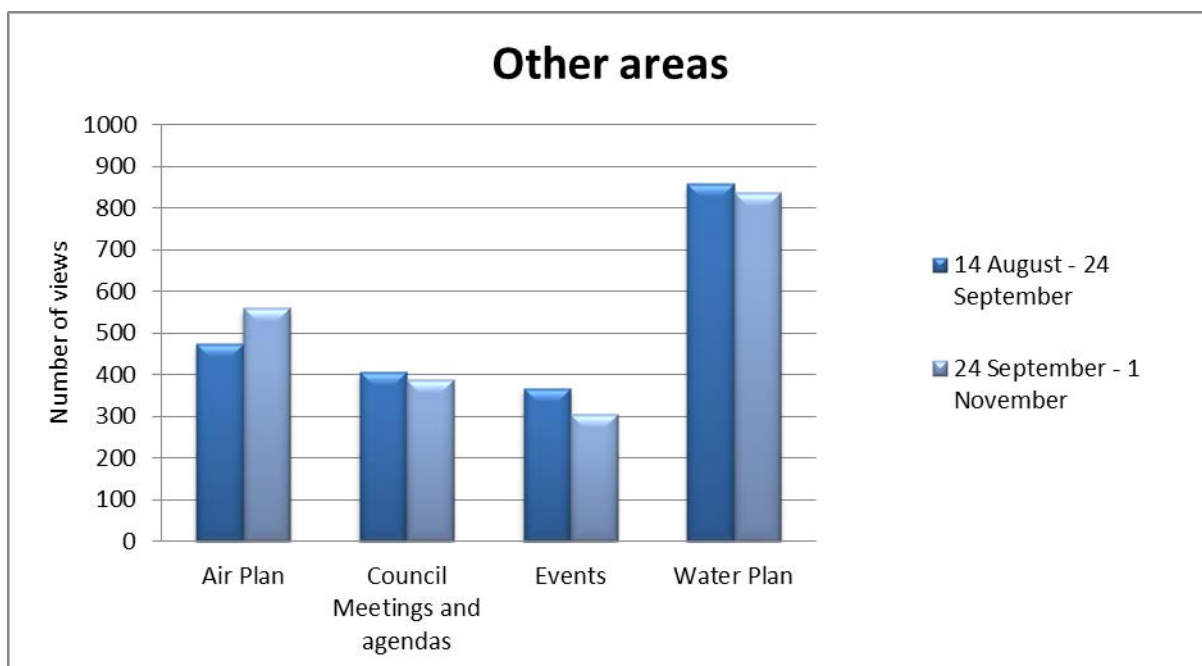


Average number of page views per visit was 3.07 and the top two downloads were the new bus timetable (2609) and the Otago Water Plan (984).

Analysis of webpages viewed







8 Recommendation

That this report is noted.

Jane Leahy

Director Stakeholder Engagement

OTAGO REGIONAL COUNCIL**Agenda for a meeting of the Policy Committee to be held in the
Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 26 November 2014 following the Communications
Committee meeting**

Membership:

Cr Gretchen Robertson (Chairperson)
Cr Michael Deaker (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Louise Croot MNZM
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Trevor Kempton
Cr Sam Neill
Cr Bryan Scott
Cr David Shepherd
Cr Stephen Woodhead

Apologies: **Cr Sam Neill**

Leave of absence:

In attendance:

Please note that there is an embargo on agenda items until 8.30 am on Monday 26 November.

CONFIRMATION OF AGENDA

PUBLIC FORUM

MINUTES

The minutes of the meeting held on 15 October 2014, having been circulated, for adoption

Matters arising from minutes

PART A – RECOMMENDATIONS

Item 1

2014/1838 **Consultation Draft of Proposed Review of the Regional Policy Statement for Otago.** DPPRM, 14/11/14

The Consultation Draft of the Proposed Regional Policy Statement for Otago (RPS) is re-presented to Council, to release for consultation in accordance with clause 3, Schedule 1 of the Resource Management Act (RMA) 1991. The Consultation draft is circulated separately with the agenda.

Item 2

2014/1784 **Notifying Proposed Plan Change 3C (Waiwera catchment minimum flow).** DPPRM, 7/11/14

The report presents a summary of comments received on the Consultation Draft of Proposed Plan Change 3C (Waiwera catchment minimum flow), and recommends the notification of the Proposed Plan Change. The change seeks to include a minimum flow and allocation regime for the Waiwera catchment into the Water Plan Schedule 2. A summary of the comments, Section 32 report, and the proposed Plan Change are circulated with the agenda.

PART B - FOR NOTING

Item 3

2014/1746 **Director's Report on Progress.** DPPRM, 7/11/14

The report gives an overview of significant activities undertaken by the Policy section.

OTAGO REGIONAL COUNCIL**Minutes of a meeting of the Policy Committee held in the Council
Chamber, 70 Stafford Street, Dunedin on
Wednesday 15 October 2014 commencing at 12.10 am**

Present: Cr Michael Deaker (Chairperson)
Cr Graeme Bell
Cr Louise Croot MNZM
Cr Gerrard Eckhoff
Cr Gary Kelliher
Cr Trevor Kempton
Cr Sam Neill
Cr Bryan Scott
Cr David Shepherd
Cr Stephen Woodhead

Apologies: Cr Doug Brown
Cr Gretchen Robertson
The apologies were accepted on the motion of Crs Deaker and Croot.

In attendance: Peter Bodeker
Wayne Scott
Jeff Donaldson
Jane Leahy
Fraser McRae
Gavin Palmer
Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 4 September 2014, having been circulated, were adopted on the motion of Crs Croot and Eckhoff.

Matters arising from minutes

There were no matters arising from the minutes.

PART A – RECOMMENDATIONS

Item 1

2014/1539 **RPS Consultation Draft of Proposed Review of the Regional Policy Statement for Otago Regional Council.** DPPRM, 3/10/14

The report presented for approval by Council a Consultation Draft of the Proposed Regional Policy Statement for Otago for release for consultation in accordance with clause 3, Schedule 1 of the Resource Management Act 1991. The draft document was circulated with the agenda.

Cr Deaker advised that as a result of recent discussions with TLAs the consultation draft was now to be released for consultation on 30 October.

Cr Deaker moved

Cr Woodhead seconded

That this committee note that the consultation draft of the Proposed Regional Policy Statement will be ready for consultation on 30 October 2014 as required under clause 3, Schedule 1 of the RMA.

Motion carried

Item 2

2014/1545 **Consultation Draft Proposed Plan Change 3C (Waiwera catchment minimum flow).** DPPRM, 1/10/14

The report explained that the purpose of Proposed Plan Change 3C was to establish a primary allocation limit and minimum flow, and a supplementary allocation regime for the Waiwera catchment. Council endorsement was sought to release for public consultation the Consultation Draft and draft evaluation of the costs and benefits

Cr Shepherd moved

Cr Scott seconded

That the attached Consultation Draft of Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago and the accompanying draft Section 32 Evaluation Report are released for consultation in accordance with clause 3, Schedule 1 of the Resource Management Act 1991.

Motion carried

PART B - FOR NOTING

Item 3

2014/1445 **Director's Report on Progress.** DPPRM, 26/9/14

The Director reported on significant activities undertaken by the Policy section.

Mr McRae in his report noted that business planning for Queenstown/Frankton was highlighting the need to substantially increase usage of public transport in the area. He explained that ORC was part of a planning team working on updating the Wakatipu Transportation Strategy to ensure that QLDC's policies and other planning roles aligned with its transport role and opportunities for government funding.

The removal of school buses because of the increasing availability of public transport was noted, and there was concern whether public transport would be able to provide for the growing number of school children. Issues of density and congestion if private transport was provided were noted, and it was suggested that Ministry of Education needed to be included in these discussions.

Cr Deaker moved
Cr Neill seconded

That the report be noted.

Motion carried

The meeting closed at 12.26 pm.

Chairperson

REPORT

Document Id: A696180

Report Number: 2014/1838

Prepared For: Policy Committee

Prepared By: Manager Policy

Date: 14 November 2014

Subject: **Consultation Draft of Proposed Regional Policy Statement**

1. Précis

The Consultation Draft of the Proposed Regional Policy Statement for Otago (RPS) is re-presented to Council, to release for consultation in accordance with clause 3, Schedule 1 of the Resource Management Act (RMA) 1991.

2. Background

At the last committee meeting, a consultation draft of the proposed RPS was presented for release (refer to Report 2014/1539). Release was deferred to enable further improvements to be made to the draft.

3. Proposed consultation draft

The revised consultation draft is attached as Appendix A.

4. Next steps

The timeline has now been modified. The Proposed RPS and the Section 32 report should now be presented for notification to the March 2015 meeting of the Policy Committee. A summary of the anticipated progress of the proposed review is given below:

Action	Anticipated Date
Consultation with statutory agencies and stakeholders	Dec 2014 – Feb 2015
Public notification of Proposed RPS	Mar 2015
Submissions close [40 working days]	End May 2015
Public notification of decisions requested and call for further submissions	Jun 2015
Further submissions close	Jul 2015
Hold hearings	Sept - Oct 2015
Council decision	Dec 2015

5. Recommendation

That the consultation draft of the Proposed Regional Policy Statement is released for consultation, as required under clause 3, Schedule 1 of the RMA.

Fraser McRae

Director Policy Planning & Resource Management

REPORT

Document Id: A693863

Report Number: 2014/1784

Prepared For: Policy Committee

Prepared By: Richard Pettinger, Senior Policy Analyst

Date: 07 November 2014

Subject: Notification of Proposed Plan Change 3C (Waiwera catchment minimum flow)

1. Précis

This report presents a summary of comments received on the Consultation Draft of Proposed Plan Change 3C (Waiwera catchment minimum flow), and recommends the notification of the Proposed Plan Change. The change seeks to include a minimum flow and allocation regime for the Waiwera catchment into the Water Plan Schedule 2.

2. Background

A consultation draft of the proposed plan change was released for comment under Clause 3 of the RMA Schedule 1, on Saturday 18 October 2014 (following Report 2014/1545). Council received 10 comments by phone, email or letter by the due date of 31 October 2014. This consultation followed a series of three workshops held between 2010 and 2014.

3. Comments overview

All comments are summarised in Appendix 1, and include:

- Support for the regime suggested in the consultation draft in full, with early notification of the Plan Change.
- Request for a higher summer minimum flow for primary allocation (to 400 l/s or more).
- Preference for lower summer minimum flow for primary allocation (Option 3 in section 3.1 of the Section 32 Evaluation Report).
- Request for a higher minimum flow for supplementary allocation (at least 800 l/s).
- Concerns about the reliability of the synthetic flow record based on Waipahi flows.

4. Amendments proposed

While comments received requested both higher and lower minimum flows, no amendment to the primary allocation minimum flow regime is proposed.

A correction has been made to the size of the supplementary allocation block, discussed as 100 l/s in the preferred option in the Section 32 Evaluation Report.

There is no need to delay notification due to questions over the reliability of monitoring records. The Waipahi flows match sufficiently well with the observations made for the Waiwera at Maw's farm since 2010.

5. Section 32 evaluation report

Before a plan change is notified, the Council must evaluate the alternatives, benefits and costs, as required by Section 32 of the RMA. Proposed Plan Change 3C (Waiwera catchment minimum flow) is the preferred approach to achieve the sustainable management of water allocation in the catchment. The Section 32 Evaluation Report has been amended as a result of the comments and workshop feedback, and is attached as Appendix 2.

6. Conclusion

The Proposed Plan Change is attached as Appendix 3. Being water related, the proposed change will have legal effect from notification, in accordance with Section 86B(3) of the Resource Management Act.

7. Next steps

The timeline below sets out the next steps in the plan change process:

Action	Date
Council approve public notification of Proposed Plan Change 3C (Waiwera catchment minimum flow)	Wed 10 December 2014
Public notification of proposed plan change	Sat 13 December 2014
Submissions close	5 pm, Monday 16 February 2015
Public notification of decisions requested and call for further submissions	28 February 2015
Further submissions close	13 March 2015
Hold hearings	May 2015
Council decision	By June 2015

8. Recommendations

1. That Proposed Plan Change 3C (Waiwera catchment minimum flow) and its accompanying Section 32 Evaluation Report be approved for notification in accordance with clause 5, Schedule 1 of the RMA.
2. That Proposed Plan Change 3C (Waiwera catchment minimum flow) be publicly notified on Saturday 13 December 2014.
3. That Proposed Plan Change 3C (Waiwera catchment minimum flow) have legal effect upon notification.

Fraser McRae

Director Policy Planning & Resource Management

Appendix 1

Overview of comments on the Consultation Draft of Proposed Plan Change 3C (Waiwera catchment minimum flow)

Note: A number of comments were received on the 7 May 2014 workshop feedback forms. The comments below reflect that feedback.

#	Date of receipt	Medium	Name/ Organisation	Provision	Comment Summary
1	24 Oct	Phone	Ken Telford 027 242 8653	Minimum flow	A higher minimum flow, not less than MALF; MALF is needed for adult trout; Council should require storage. Takers have an obligation to the river. (Will probably put this in writing.) Also, wanted to ensure all those who provided feedback form comments (but were not at the Clinton workshop in May 2014) received a copy of the Consultation Draft.
2	29 Oct	Email	Peter Wilson, Otago Fish & Game	Schedule 2B	Typo found – Supplementary block size states 500 l/s not 100 l/s.
3	29 Oct (30 Oct when arrived)	Email	Shay van der Hurk Ranger Partnerships (Murihiku District) Department of Conservation T: 03 211 2467 M: 021 025 14244 Also Geoff Deavoll: 03 371 3712; gdeavoll@doc.govt.nz	Whole Plan Change	Native fish include: Eels, mainly longfin, but some shortfin; Lampreys (with potential spawning habitat); Upland and common bullies; Lower Clutha flathead and Gollum galaxiids are in mutually exclusive populations in headwater tributaries – very high threat status, with threat from trout predation, but also from reduced water quality and quantity. Suggested primary allocation minimum flow regime is consistent with NES on Ecological Flows and with NPSFM. The suggested supplementary allocation regime, being 1 to 1 flow sharing for flow variability, is considered to not adversely affect indigenous freshwater values.
4	30 Oct	Phone	Tony Anderson, Westridge Farm	Schedule 2A	260 l/s is way too low. Reasons: it has got so low in the past, that the river's health suffers; it gets low and weedy, even without taking going on at the time. More irrigation takes could cause problems – storage is the key to farming here. We intend to put in storage.
5	30 Oct	Emailed letter	Peter Wilson, Otago Fish & Game	Schedules 2A & 2B	Qualified support for 260 l/s but wish for primary minimum flow to be slightly higher at 275 l/s. Raise supplementary minimum flow to 800–1500 l/s (due to flashiness of catchment). Notes koura are in the river. Notes effect of upper catchment drainage and land use, so consider reduced water yield in flow-setting. Notes water quality issues. Plan change should be notified before any over-allocation.
6	31 Oct	Email	Mark Anderson, Westridge Farm	Schedule 2A	Minimum flow should be 400 l/s plus. Does not agree with data, especially that from Waipahi River. A flow of 260 l/s is barely a trickle between the rocks. Cannot go ahead with this flow. We do not need increased intensified farming out of such a small stream. Consent holders should store water, to not take it in dry summers. Catchment with fragile ecosystem cannot handle dairying, due to water quality issues and often poor management with different cultures involved.

#	Date of receipt	Medium	Name/ Organisation	Provision	Comment Summary
7	31 Oct	Phone	Phil Neame 027 644 1519 paneame@xtra.co.nz	Schedule 2A	Accept the increase from 230 l/s to 260 l/s, and that there'll be times when I can't take. Support primary allocation limit of 150 l/s. Storage supported in principle, but should not be mandatory; consent holder should assess risks and manage business accordingly.
8	31 Oct	Emailed letter	Tim Vial Senior Planner Kai Tahu ki Otago Ltd Consultancy tim@ktkold.co.nz (03) 471 5480	Schedules 2A & 2B	Support all provisions, but request the supplementary minimum flow be set at 800 l/s to safeguard variability while only marginally impacting on taking. River's water yield reduced by upper wetland loss and tall-tussock grasslands cleared to farmland, reducing original natural flow regime. Mahika kai very important here.
9	31 Oct	Emailed letter	Kim Reilly Federated Farmers NZ PO Box 5242 03 477 7356 kreillye@fedfarm.org.nz	Schedules 2A & 2B	We note that currently 48% of MALF is allocated as primary allocation with no indication of adverse impacts on instream values. We note that the natural low flows of the river are restricting habitat for trout. Federated Farmers support for PPC 3C depends on the workability and reasonableness of the regime, also on the certainty around the MALF statistics and Council's resulting calculations, so there is no inconsistent and unjust outcome or consequence on existing rural users. It is the community who lives near, and relies upon this water. Oppose S32 Option 4 (to promote more natural flows), as risks and costs to the economy outweigh possible benefits. Option 2 has reduced allocation for current consent holders and reduced opportunity for taking, because it requires greater investment in storage. Federated Farmers prefers Option 3 as it enhances economic opportunity without requiring substantial investment in storage. Those relying on water takes for their needs must be given significant consideration. Winter season minimum flow has no consideration of alternative options. Existing takes are causing no known adverse effects on instream values. Acknowledge that MALF has no specific certainty. Consider both Options 2 and 3, and reflect community feedback. If constraining economic opportunities, ensure environmental benefits to trout are more than insignificant, real and measurable. Winter minimum flow should be set reflecting community feedback. Supplementary allocation should be set reflecting community feedback.
10	31 Oct	Email	Ken Telford 027 242 8653 ken@hellebores.co.nz	Schedule 2A	Appreciate lifting the suggested minimum flow by 30 l/s to 260 l/s, but raise it to at least MALF. Data you have used for MALF from Maws site is short term and extrapolating Waipahi data is probably not accurate as the Waipahi gets more rain than the Waiwera, and it is rain more from the SW than the Waiwera which is more from the East. There is

#	Date of receipt	Medium	Name/ Organisation	Provision	Comment Summary
					<p>more rain from the SW than from the East over summer. Will not accept a minimum flow less than a MALF based on data of questionable accuracy, from 18 years of Waipahi flows.</p> <p>Current irrigators could keep the flow of the Waiwera at 260 l/s over summer, a level that we have never seen on more than a couple of days over the driest summer. I know what 310 l/s looks like and to lower it by another 17% is irresponsible. I would question the economic benefits of irrigation to the community. Irrigators spend a lot on infrastructure to utilise water, but economic gain is not for the community, it is for irrigators themselves.</p> <p>One irrigator has a huge storage dam I absolutely agree with, as there is no effect on summer flows, assuming he is not going to take water all summer. Storage should be a condition of consents, and there should have been no primary allocation without storage.</p> <p>Because brown trout fry and yearling habitat is in decline, for fish survival, 275 l/s gives them only 90% of the habitat they require at MALF. If MALF is limiting, why suggest something less than that – it is already not enough. Revisit your minimum flow and raise it at least to 310 l/s.</p>

Appendix 2

Section 32 Evaluation Report

Proposed Plan Change 3C
(Waiwera catchment minimum flow)

Regional Plan: Water for Otago

*This Section 32 Report should be read in conjunction with
Proposed Plan Change 3C (Waiwera catchment minimum flow)
to the Regional Plan: Water for Otago.*

Table of Contents

1	Introduction	3
2	Background	3
2.1	The NPS for Freshwater Management 2014	3
2.2	Waiwera catchment flows and current allocation.....	3
2.3	Waiwera catchment values	4
3	Options overview	6
3.1	Irrigation season take management options	6
3.1.1	Analysis of options	7
3.2	Winter season take management options	9
3.2.1	Analysis of options	9
3.3	Supplementary allocation management options	10
3.3.1	Analysis of options	10
4	Preferred option: Maintaining native fish and brown trout while enabling economic wellbeing	11
4.1	Detailed assessment	12
4.2	Summary of evaluation	14
5	Consultation	14
6	Conclusion	14
7	Supporting information and references	15
	Appendix A.....	16

Abbreviations used in this report

l/s	litres per second
MALF	Mean annual low flow
NPSFM	National Policy Statement for Freshwater Management 2014
ORC	Otago Regional Council
Proposed Plan Change 3C	Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago
RMA	Resource Management Act 1991
Water Plan	Regional Plan: Water for Otago (updated to 1 May 2014)

1 Introduction

Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago (Water Plan) seeks to improve the management of the Waiwera catchment by identifying allocation limit and minimum flow regimes for both primary and supplementary allocation for the river.

The Waiwera catchment has reliable rainfall and a low irrigation demand but, if climate or land use change, there may be increased demand for irrigation water which, without management, may put pressure on aquatic ecosystems, natural character and other instream values. The river is highly valued by the community.

Section 32 of the RMA requires an evaluation of the realistically practicable options, assessing their effectiveness and efficiency and summarising the reasons for deciding on the proposed provisions. This report makes that assessment, and should be read in conjunction with the proposed plan change.

2 Background

2.1 The NPS for Freshwater Management 2014

The National Policy Statement for Freshwater Management 2014 (NPSFM) requires the Otago Regional Council (ORC) to prevent the over-allocation of water resources, by establishing environmental levels for freshwater sources in the region and ensuring the objectives within Otago's Water Plan give effect to the NPSFM objectives.

The Water Plan was made operative on 1 January 2004. Its objectives give effect to the NPSFM by recognising the need to enable water use by Otago's communities and industries, while maintaining long-term water flows and levels in the region's water bodies. The Water Plan achieves this by establishing allocation limits, with appropriate minimum flows and other take restrictions.

Catchments with primary allocation limit and minimum flow regimes are listed in Schedule 2A, with any supplementary take limits specified in Schedule 2B.

As the proposed plan change is intended to extend existing minimum flow arrangements to include the Waiwera catchment, there will not be any evaluation of this Water Plan framework. This Section 32 evaluation reflects the implications of the plan change and evaluates the environmental, economic, social and cultural effects of the regime as applied to the Waiwera catchment.

2.2 Waiwera catchment flows and current allocation

The Waiwera River catchment is located in Southwest Otago. It has a relatively high reliable rainfall, with low dependence on irrigation. A recently-installed flow recorder at Maws Farm, 1.4 km upstream from the confluence with the Clutha/Mata-Au River is providing reliable flow measurements. These have been correlated with a long-term flow record from the adjacent Waipahi River catchment, to calculate reliable statistics such as the mean annual low

flow (MALF) of the river. MALF has been calculated as 310 l/s. Thus the default primary allocation limit has been set at 155 l/s for some time.

As at November 2014, 148.7 l/s is allocated from the Waiwera catchment as primary allocation to surface water take consent holders which is 48% of MALF. There is no indication that this level of allocation is causing adverse impacts on instream values. Currently, the Waiwera River is under-allocated in terms of Policy 6.4.2 of the Water Plan, with an additional 6.3 l/s of primary allocation still available. Table 1 provides an overview of consented water takes within the Waiwera catchment.

Table 1 Consented water takes within the Waiwera catchment, as at November 2014

Water take	No of consents	Combined instantaneous take rate (l/s)	Purpose	Water source
Primary surface water permit	5	148.7	Irrigation, stock water, dairy shed supply, storage	Waiwera River, Kuriwao Stream
Supplementary surface water permits	2	100 l/s + 885,000 m ³ /yr	Irrigation	Waiwera River, unnamed tributary of Waiwera River
Retake	1	80	Irrigation	Unnamed tributary of Waiwera River

Use of flow data

The flow record used for this Plan Change process and evaluation is a synthetic record based on Waipahi flows until 2010, when direct observations of flows at the Maws Farm recorder commenced. The synthetic flow matches sufficiently well with the observations made for the Waiwera at Maws farm since 2010, in that measured MALF after these 4 years is within 7% (within the margin of error) of that previously calculated. The Water Plan requires the value of MALF to be retained once calculated, because water use and investment decisions may have been made based on the first calculations. The ORC is satisfied that that the calculated MALF is representative. The figures on surety of supply for water abstraction are based on observed flows since 2010.

2.3 Waiwera catchment values

Over recent years the ORC called three public workshops to identify the catchment values held by its community and by visitors. These values are described below. In addition, technical reports for this catchment have provided input to the process.

The main community values identified are:

- Ecosystem values, including habitat for native fish including galaxiids and longfin eels;
- Agricultural out-of-stream uses for stock drinking water and dairy shed supply;
- The significant presence of trout for anglers;
- Cultural values;
- Recreational use, including angling;
- Amenity values;

- Irrigation for agricultural and horticultural purposes.

The flow requirements for fish species and historic restriction levels, from dry years within the catchment, were presented at the community workshops, which built on this information and allowed the community to identify a number of values important to them.

The Waiwera River is recognised in Schedule 1A of the Water Plan as providing significant habitat for the galaxiids, high invertebrate diversity, eels and rare fish habitat. This Schedule also recognises significant presence of trout, significant trout and salmon spawning areas, and areas for development of juvenile trout and salmon.

New Zealand Freshwater Fish Database records indicate that at least five native fish species, brown trout and koura have been collected from the Waiwera catchment. Of these, longfin eel and koura are listed as “Declining” and the galaxiids present may be “Nationally vulnerable”.

A technique known as instream flow incremental methodology (IFIM) analysis has determined flow requirements for a number of fish species found within the Waiwera catchment. Table 2 outlines these flow requirements at the Maws Farm flow monitoring site.

Table 2 Flow requirements for fish species at Maws Farm flow monitoring site

Fish Species	Optimum Flow (l/s)	Flow below which habitat declines (l/s)
Upland bully	100	50
Common bully	800	150
Longfin eel	100	100
Galaxias sp.	300	100
Adult brown trout	3,000	1,300
Yearling brown trout	1,800	400
Brown trout fry	1,000	400

The optimum flow and flow at which habitat declines sharply for adult brown trout, brown trout yearling and fry are above MALF. Therefore the natural low flows of the Waiwera River are restricting habitat for brown trout.

Table 3 gives the results of IFIM modelling on the habitat requirements for trout and longfin eel. A flow of 275 l/s provides both adult trout and longfin eel with 90% of the habitat they require at MALF.

Table 3 Flow requirements for trout and longfin eel habitat

Percentage of MALF habitat retention	Habitat (WUA m²/m)	Flow (l/s)
90% brown trout adult	1.125	275
80% brown trout adult	1.000	252
70% brown trout adult	0.875	230
90% longfin eel (<300 mm)	1.125	275
80% longfin eel (<300 mm)	1.000	75
70% longfin eel (<300 mm)	0.875	0

Out-of-stream uses

In recent years the Waiwera River and its tributaries have become increasingly important in supporting the local agricultural sector, with four out of the five existing primary allocation consents being granted for irrigation in the last two years. Agricultural out-of stream uses include for irrigation of pasture and crops, stock drinking water and dairy shed supply. Water is currently used to irrigate an area estimated to be between 800-1,000 ha.

Recreational use

A wide variety of recreational uses are supported by the river. These include swimming, canoeing, and picnicking. The Waiwera catchment is a popular destination for waterfowl hunting, angling and eeling. Clinton is an excellent base for tourists interested in trout fishing. The national Angler Survey estimated 120 angler days in the 2007/08 angler season and 320 angler days in the 2001/02 season (NIWA 2009).

Amenity values

Feedback gathered during the workshops also identified the Waiwera River and its margins as having high amenity values. Features that were particularly valued by those present in the community workshops were the scale of the river, the tussock lands in the headwaters and the natural habitat in the gorge as important biodiversity values.

Various workshop participants expressed concerns about gradual reduction in flows overtime, especially in late summer, the proliferation of pest plants (willows) and the increase in turbidity and algal growth.

Cultural values

The Waiwera River is recognised in Schedule 1C of the Water Plan as providing significant mahika kai values. During the community workshops local community members also noted the existence of Maori ovens along the river.

In recent months further consultation has been undertaken with iwi through Kai Tahu ki Otago and Te Ao Marama to help identify tangata whenua values of the river.

3 Options overview

The following sections discuss the costs and benefits of the options considered and provide a detailed analysis of the preferred option as required by Section 32 of the RMA.

3.1 Irrigation season take management options

The following four options are considered in developing a primary allocation limit and minimum flow regime that protects the values of the Waiwera River. These options are briefly:

OPTION 1: Maintain the status quo

Option 1 describes the current situation. This option relies on “default” provisions in the Water Plan: default primary allocation limit of 155 l/s and no catchment-wide minimum flow.

OPTION 2: Provide for aquatic ecosystem and natural character while enabling economic wellbeing

Option 2 proposes to set a minimum flow of 260 l/s (from 1 October to 30 April, for primary allocation) and a primary allocation limit of 150 l/s.

OPTION 3: Easier economic development

Option 3 proposes to set a minimum flow lower than 260 l/s (from 1 October to 30 April, for primary allocation) and a higher primary allocation limit than 150 l/s.

OPTION 4: More natural river flows

Option 4 proposes to set a minimum flow higher than 260 l/s (from 1 October to 30 April, for primary allocation) and a lower primary allocation limit than 150 l/s.

3.1.1 Analysis of options

Option 1	Maintain the status quo
BENEFITS:	<ul style="list-style-type: none"> • No plan change required. • Small amount of water remains available as primary allocation, allowing for increased irrigation opportunity.
COSTS/RISKS:	<ul style="list-style-type: none"> • Does not meet requirements of the NPSFM regarding flow limits. • Administrative inefficiencies through assessment to impose individual minimum flows or residual flows on a case-by-case basis with every application to take water, resulting in increased consent processing costs for applicants. • No encouragement for collaboration among those taking water when there is no whole-catchment minimum flow in place. • Default primary allocation limit (155 l/s) allows a little more water to be taken as primary allocation, without specific investigation of its sustainability. • Any increased taking will lead to low flows being reached more quickly and frequently. This can lead to the river staying at low flows for lengthy periods while all available water is taken. • Aquatic ecosystem, natural character, recreational, cultural and amenity values remain at risk as a result of continued water taking during low flow periods.
Option 2	Provide for aquatic ecosystem and natural character while enabling economic wellbeing
BENEFITS:	<ul style="list-style-type: none"> • Little change in certainty and reliability of supply to current consent holders. Existing primary allocation consent holders taking water with a minimum flow consent condition will enjoy higher reliability and access to water. • Economic opportunities remain for new takers that provide storage. • Reasonable economic well-being based on taking water continues to be enabled, with potential for employment in industries based on water takes. • Reasonable level of maintenance of aquatic ecosystem, cultural, recreational, amenity and natural character values.

-
- COSTS/RISKS:**
- Reduced potential for the river flow to reach and remain at low flows due to water being taken.
 - All existing primary allocation consent holders retain primary allocation status.
 - Constraints on taking water in a dry year may require some investment in water storage. However, some consent holders currently have environmental flow conditions above the proposed minimum on their consent and have made appropriate provision for water storage.
 - Slightly fewer economic opportunities for new takers, if no storage option is taken.
 - Some need to reduce current allocation to the primary allocation limit (which happens over time through attrition) before any further allocation to primary can be anticipated.
 - For consent renewal, primary allocation consent holders will be limited to no more water than they have historically taken (Policy 6.4.2A).
 - Plan change required.
-

Option 3	Easier economic development
-----------------	------------------------------------

- BENEFITS:**
- Economic opportunities based on taking water enhanced, with potential for employment in industries based on water takes or supporting industries; new employment opportunities provided to new takers.
 - Existing primary allocation consent holders taking water with a minimum flow consent condition will enjoy higher reliability and access to water.
 - Reduced need for investment in water storage.
 - Further allocation to primary status taking can be considered.
 - All existing primary allocation consent holders retain primary allocation status.
 - Primary allocation consent holders can apply, upon consent renewal, for more water than they have historically taken (Policy 6.4.2A).
- COSTS/RISKS:**
- Lower level of maintenance of aquatic ecosystem, cultural, recreational, amenity and natural character values.
 - Reduction in economic opportunities to current consent holders, from lower certainty and reliability of supply, as more new primary consents could be granted, and more rationing would be required during low river flows.
 - Increases potential for the river flow to reach and remain at the low minimum flow for lengthy periods.
 - Plan change required.
-

Option 4	More natural river flows
BENEFITS:	<ul style="list-style-type: none"> • Greater reduction in the potential for “flat-lining” of the river flow. • Higher level of maintenance of aquatic ecosystem, cultural, recreational, amenity and natural character values. • Increase in certainty and reliability of supply to current consent holders as fewer new primary consents granted. • All existing primary allocation consent holders retain primary allocation status.
COSTS/RISKS:	<ul style="list-style-type: none"> • Economic opportunities based on taking water constrained, with potential for no growth in, or reduction in, employment in industries based on water takes; fewer economic opportunities for new takers. • Increased constraints on taking water in a dry year requiring significant investment in water storage. • Reduces the amount of water available for out-of-stream uses during low flow periods. • Greater need to reduce current allocation to the primary allocation limit, before any further allocation to primary can be anticipated. • For consent renewal, primary allocation consent holders will be limited to no more water than they have historically taken (Policy 6.4.2A). • Plan change required.

3.2 Winter season take management options

The following two options are considered in developing a primary allocation minimum flow regime for the values of the Waiwera River over the winter period. These options are briefly:

OPTION 1: Maintain the status quo

Option 1 describes the current situation. This option relies on “default” provisions in the Water Plan: no catchment-wide minimum flow.

OPTION 2: Provide for brown trout spawning and recruitment

Option 2 proposes to set a minimum flow of 400 l/s (from 1 May to 30 September, for primary allocation). Any takes of connected groundwater that can be considered surface water are included, which allows for greater accuracy of the effects of taking.

3.2.1 Analysis of options

Option 1	Maintain the status quo
BENEFITS:	<ul style="list-style-type: none"> • No plan change required.
COSTS/RISKS:	<ul style="list-style-type: none"> • Administrative inefficiencies through assessment to impose individual minimum flows or residual flows on a case-by-case basis with every application to take water, resulting in increased consent processing costs for applicants. • No encouragement for collaboration among those taking water when there is no whole-catchment minimum flow in place. • No certainty for maintaining aquatic ecosystem, cultural, amenity and

natural character values when there is no environmental bottom-line set.

- Minimum flow on some consents could allow taking that degrades habitat for brown trout spawning and recruitment.
-

Option 2 **Provide for brown trout spawning and recruitment**

- BENEFITS:**
- Little change in certainty and reliability of supply to current consent holders.
 - Retention of economic opportunities based on taking water, with potential for employment in industries based on water takes.
 - Maintenance of aquatic ecosystem, cultural, amenity and natural character values.
 - Near-optimum conditions maintained for brown trout spawning.
- COSTS/RISKS:**
- A single minimum flow throughout the year for primary allocation takes would provide ease in administration but no environmental benefits.
 - Plan change required.
-

3.3 Supplementary allocation management options

The following two options are considered in developing a year-round supplementary allocation block and minimum flow regime in the Waiwera River.

These options are briefly:

OPTION 1: Maintain the status quo

Option 1 describes the current situation. This option relies on the “default” minimum flow provisions in Policy 6.4.9(a) of the Water Plan if water is applied for in excess of the primary allocation limit. Supplementary allocation blocks are of 250 l/s.

OPTION 2: A minimum flow for supplementary allocation of 500 l/s

Option 2 proposes to set a supplementary minimum flow of 500 l/s (all year) for the first block of supplementary allocation, where blocks are limited to 100 l/s in size. Any takes of connected groundwater that can be considered surface water are included, which allows for greater accuracy of the effects of taking.

3.3.1 Analysis of options

Option 1 **Maintain the status quo**

- BENEFITS:**
- No plan change required.
- COSTS/RISKS:**
- Any minimum flow calculated on a case-by-case basis for applications to take supplementary water would result in increased consent processing costs for applicants, and possible litigation.
 - In a catchment not over-allocated, the default supplementary allocation and minimum flow arrangements in Water Plan Policy 6.4.9(a) provide an inequitable minimum flow, which can cause competition between primary and supplementary allocation takers and is contrary to the logical implementation of the Plan’s framework.
-

-
- This would create administrative difficulty and costs if current consent holders relinquish their primary allocation in favour of supplementary allocation.
 - The default 250 l/s block size would allow a larger amount of taking to occur at the supplementary block's minimum flow, particularly the first block which would have a low minimum flow.
-

Option 2 **A minimum flow for supplementary allocation of 500 l/s**

- BENEFITS:**
- Reasonable economic opportunities based on taking water remain, with potential for employment in industries based on water takes, given access to water is available for more than 90% of a typical year.
 - Maintenance of natural flow variability and the aquatic ecosystem and natural character values supported by that variability.
 - Flow requirements of native fish are not reduced by supplementary allocation takes.
 - Improved, sustainable access to water, especially for first block, as flows decrease in the irrigation season, compared to a block size of 250 l/s.
- COSTS/RISKS:**
- Constraints on new takes of water in a dry year require investment in water storage to supply all irrigation needs.
 - New takes may have no water availability for 34 days in a typical year, usually in the irrigation season, (or 9.3% of days of the year).
 - Plan change required.
-

Level of detail in the evaluation

This report considers only the values as proposed, for allocation limit and block size, and the non-irrigation season and supplementary minimum flows, because the higher level of detail in doing so is not warranted. In these instances, demand for taking is likely to be low and of short duration, and consequences to the environment and economy are thus anticipated to be of low scale and significance.

4 Preferred option: Maintaining native fish and brown trout while enabling economic wellbeing

The Option 2 regimes as set out in section 3 are recommended, to provide for the habitat of the native fish and brown trout population while enabling an appropriate level of access to water for economic uses.

These are set out in Table 4.

Table 4: The preferred option

Minimum flow monitoring site	Maws Farm
Primary minimum flows	260 l/s (1 October to 30 April) 400 l/s (1 May to 30 September)
Primary allocation limit	150 l/s
Supplementary minimum flow (Block 1)	500 l/s
Supplementary allocation (all blocks)	100 l/s
Supplementary minimum flow (Block 2)	600 l/s

4.1 Detailed assessment

Primary minimum flow

The irrigation season minimum flow of 260 l/s proposed will ensure close to 90% of habitat retention at MALF for adult brown trout and longfin eels. Overall, the proposed irrigation season minimum flow will maintain the life-supporting capacity for aquatic ecosystem and natural character in the Waiwera catchment from taking when the river is naturally at low flows. It is likely it will support the various recreational values and protect the mahika kai and other cultural values associated with the Waiwera River. The irrigation season minimum flow is well below the flows required for adult brown trout habitat however the natural low flows of the river are severely restricting available habitat.

The minimum flow of 260 l/s will provide a high (93%) surety of supply to current primary allocation consent holders. This figure is based on the four years of observed flow recording.

Records from the previous 18 years indicate six years where consent holders would have full restriction days. Apart from one very dry period in the 2012/13 irrigation season, when full restriction would have applied for a 34 continuous day period, there was no period longer than 8 consecutive days (see Table 5 below).

A minimum flow set higher than the catchment's MALF of 310 l/s would be unlikely to be exceeded naturally throughout most of the irrigation season. There would be no significant difference in available habitat by setting the minimum flow at MALF instead of 260 l/s. However, such a minimum flow would be unreasonably restrictive to consent holders while having insignificant environmental benefit and is thus not considered to provide sustainable management of the water resource.

The winter minimum flow of 400 l/s is set at the flow at which habitat declines sharply for brown trout yearling and fry. Available water during this period will provide a reasonable surety of supply to consent holders, whose takes would likely be rare and of short duration, during the winter period.

Primary allocation limit and the effects of its associated minimum flows on taking

If primary allocation is greater than 150 l/s the river could reach the minimum flow more quickly and frequently. This will impact on aquatic ecosystems and other instream values, including recreational and amenity values. The suggested primary allocation limit will provide a reasonable reliability of supply to current consent holders.

Table 5 and Appendix A show the effect of the proposed minimum flows over the total period of record (synthetic and measured) since 1996, assuming that the actual take from the catchment had been 150 l/s. The column “Number of days for rationing” indicate on how many days there was less than an allocated 150 l/s available above the minimum flow, and thus rationing would have been required.

Table 5 The effect of the proposed minimum flow and allocation limit (October – April, at a minimum flow of 260 l/s)

	Number of days for rationing (Oct-Apr)	Number of days no water is available (Oct-Apr)	Greatest number of continuous days when no water available (Oct-Apr)
Average	16.2	4.3	2.8
Minimum	0	0	0
Maximum	47	51	34

As can be seen in Table 5, under a Maws Farm minimum flow of 260 l/s, with 150 l/s being taken, water rationing would be required for 16.2 days in an average irrigation season, and 4.3 days when no water would be available at all to consented takes. Since records began, the greatest number of irrigation season days when takes may have needed rationing was 47 in 1998/99. In 2012/13 no water would have been available for 51 days in total as the flow was below this minimum flow. Appendix A shows that the longest *continuous* period with no water would have been in that 2012/13 season with no water available for taking under consents for 34 of those 51 days. The next longest continuous periods would have been 8 days in 2007/08, then 5 days in the 2003/04 irrigation season. In those 18 years the average continuous length of days with no water is estimated to have been 2.8 days.

A single minimum flow across the catchment applying to all those in primary allocation provides the opportunity for collaboration within a water allocation committee. This arrangement can assist in rationing, which is intended to avoid a minimum flow being reached. Appendix A shows the number of days in past irrigation seasons when rationing would have been necessary and there was water available, assuming no more than 150 l/s is taken in total. Where less is taken than the 150 l/s of primary allocation water, for example under take rationing, days with no water available become fewer and periods shorter.

Outside the irrigation season, if a minimum flow of 400 l/s had been applied during the period of record. In an average winter, less than 1.2 days of low (or no) water availability occur in that period for primary allocation, and in the driest winter on record (2003) there would have been two days with no water available to consented takes.

Supplementary regime

A supplementary allocation block size of 100 l/s is proposed, which is proportional to the size of flows in this catchment. The associated minimum flow gives a reasonable surety of access to water for future consent holders, who will need to store taken water to ensure a guaranteed supply in a dry irrigation season. The minimum flow is adequate to ensure supplementary taking does not impact on the adult brown trout fishery.

This form of allocation helps protect availability of water for primary allocation consent holders while the system of subsequent blocks ensures one-to-one flow-sharing between supplementary takes and the river. It assists to retain flow variability and is intended to reflect community concerns about natural character. It will leave more water in the river than the quantity that can be taken under supplementary status consents.

Section 32 Evaluation Report - Proposed Plan Change 3C (Waiwera catchment minimum flow)
to the Regional Plan: Water for Otago

Socio-economic impact

It is considered that employment opportunities and other economic measures for activities based on taking water are provided for adequately by the preferred option. Those relying on existing consents will continue to have access to water where the water is used efficiently, and new developments will be able to take into consideration effects on the wider catchment values.

Those consent holders with a minimum flow condition will experience a higher access to the resource and surety of supply, than under existing consents. Some consent holders in the catchment have already committed to storage and efficiency, or are managing risk carefully, and should suffer no reduction in surety of supply during most years.

4.2 Summary of evaluation

The recommended regime is seen as the most effective and efficient option as it:

- Provides further water for future users as supplementary allocation;
- Will have minimal adverse effects on instream values and will avoid further degradation;
- Maintains the instream values as far as practicable in a dry year;
- Avoids the loss of natural flow variability, avoiding “flat-lining”;
- Provides a high surety of supply to primary allocation consent holders;
- Provides a reasonable surety of supply to new consent holders;
- Provides for recreational and amenity values.

It is considered that the proposed changes to the Water Plan will promote sustainable management of taking water within the Waiwera catchment.

5 Consultation

Three community workshops were held to identify community values for the catchment, consider options and assess the effects of the options. Workshops were held in Clinton, hosted by the ORC, on 20 April 2010 (15 attendees), 21 November 2010 (10 attendees), and 6 May 2014 (22 attendees). Feedback forms that followed the third workshop requested much higher minimum flows be considered, than the 230 l/s suggested.

A Consultation Draft for the Plan Change was released from 18 October to 31 October 2014, and 10 responses were received, largely reflecting feedback from the third Clinton workshop.

6 Conclusion

The purpose of the RMA is to promote the sustainable management of natural and physical resources. It is considered that Proposed Plan Change 3C (Waiwera catchment minimum flow) enables the ORC to better manage the water resources of the Waiwera catchment, now and for the future, with particular focus on the native fish, natural character and the brown trout spawning and juvenile rearing, while enabling water taking for economic development.

7 Supporting information and references

National Policy Statement for Freshwater Management 2014

Resource Management Act 1991

ORC Regional Plan: Water for Otago (updated to 1 May 2014)

ORC Reports to committee or Council:

2014/1545: Consultation Draft Proposed Plan Change 3C (Waiwera catchment minimum flow)

2014/1784: Notification of Proposed Plan Change 3C (Waiwera catchment minimum flow)

ORC Technical Reports and information:

Management Flows for Aquatic Ecosystems in the Waiwera River, August 2006

The Water Resources of the Pomahaka and Waiwera Rivers, June 2007

Waiwera catchment information sheet, November 2010

Waiwera community workshop notes, 2010

Waiwera catchment information sheet, May 2014

Waiwera community workshop notes and feedback forms, May 2014

Comments Received and Appendix 1 to Committee Report 2014/1784: Overview of Comments on the Consultation Draft of Proposed Plan Change 3C.

Other reference material:

Jowett, I., 2009: Instream habitat and minimum flow requirements in the middle and lower Oreti River. Prepared for Environment Southland, Ian Jowett Consulting, Client Report IJ0903.

Jowett, I & Hayes, J., 2004: Review of methods for setting water quantity conditions in the Environment Southland draft Regional Water Plan. Prepared for Environment Southland, NIWA Client Report HAM2004-018.

NIWA, 2009: Angler usage of lake and river fisheries managed by Fish and Game New Zealand: results from the 2007/08 National Angling Survey.

Appendix A

Waiwera catchment:

Analysis of hydrograph showing historic water availability

Irrigation season	No. days rationing (260 – 410 l/s)	No. days of no water (260 l/s)	Max continuous days of no water (260 l/s)
1996/97	20	0	0
1997/98	0	0	0
1998/99	48	3	1
1999/00	14	0	0
2000/01	10	0	0
2001/02	0	0	0
2002/03	34	0	0
2003/04	29	9	5
2004/05	0	0	0
2005/06	0	0	0
2006/07	2	0	0
2007/08	44	11	8
2008/09	19	2	2
2009/10	0	0	0
2010/11	25	1	1
2011/12	27	0	0
2012/13	16	51	34
2013/14	24	0	0
Average	17.3	4.3	2.8
Minimum	0	0	0
Maximum	48	51	34

Appendix 3

Proposed Plan Change 3C (Waiwera catchment minimum flow)

Regional Plan: Water for Otago

ISBN 978-0-478-37694-4

Introduction

The Otago Regional Council has prepared Proposed Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water for Otago. It proposes to establish minimum flows, allocation limits, and monitoring sites for the Waiwera River.

This document should be read in conjunction with:

- Section 32 Evaluation Report; and
- The Regional Plan: Water for Otago operative as at 1 May 2014.

Amendments to the Regional Plan: Water as a result of Proposed Plan Change 3C are shown as follows: (additions underlined, deletions ~~struck out~~).

Any person may make submissions on this proposed plan. You may do so by 5 pm Monday 16 February 2015.

Post to	Otago Regional Council Private Bag 1954 Dunedin 9054		
Fax to	(03) 479 0015		
Email to	policy@orc.govt.nz		
Deliver to	70 Stafford Street Dunedin	William Fraser Building Dunorling Street Alexandra	The Station, First Floor Cnr Shotover and Camp Streets Queenstown

Submissions close at 5 pm Monday 16 February 2015.

Table of Contents

Chapter 6:	Water Quantity.....	1
Chapter 12:	Rules: Water Take, Use and Management	3
Schedule 2:	Schedule of specified restrictions on the exercise of permits to take surface water.....	5
	Minor and consequential changes.....	7
Maps:	Catchment Map for Waiwera River.....	8

Chapter, schedule and map headings relate to those in the operative Regional Plan: Water for Otago as at 1 May 2014

Proposed additions to the Plan are shown as underlined and proposed deletions are shown as ~~struck out~~.

6

Water Quantity

6.4 Policies applying to the management of the taking of water

[Index... – Policy 6.4.4 unchanged]

6.4.5 The minimum flows established by Policies 6.4.3, 6.4.4, 6.4.6, 6.4.9 and 6.4.10 will apply to resource consents for the taking of water, as follows:

- (a) **In the case of new takes applied for after 28 February 1998, upon granting of the consent; and**
- (b) **In the case of any resource consent to take surface water from within the Taieri above Paerau and between Sutton and Outram, Welcome Creek, Shag, Kakanui, Water of Leith, Lake Hayes, Waitahuna, Trotters, Waianakarua, Pomahaka, Waiwera and Lake Tuakitoto catchment areas as defined in Schedule 2A, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act; and**
- (c) ...

12

Rules: Water Take, Use and Management

12.1 The taking and use of surface water

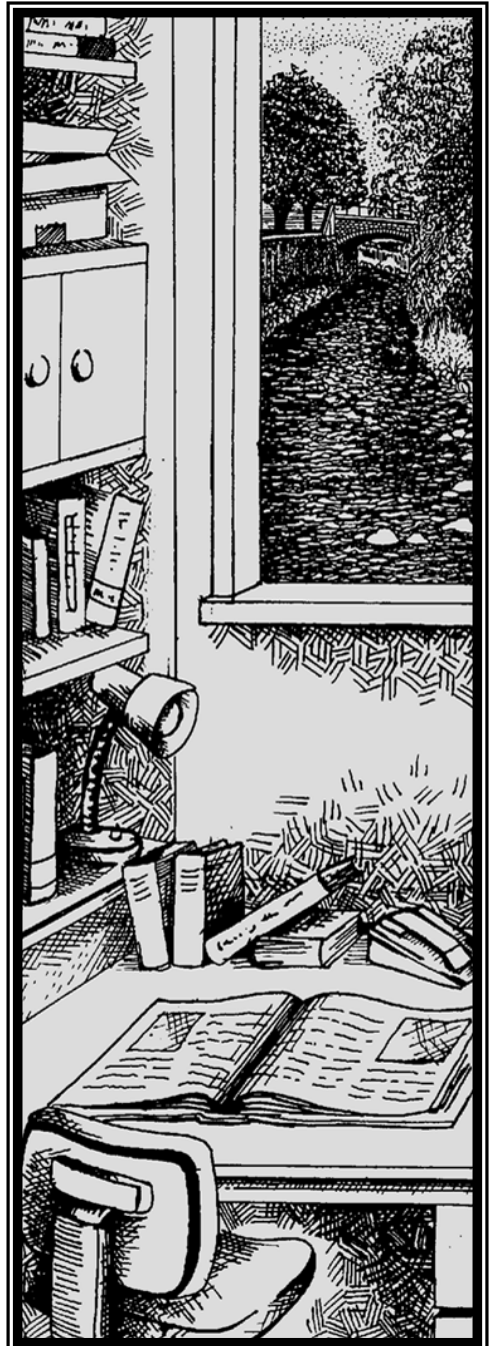
[12.1.1 - 12.1.4.1 unchanged]

- 12.1.4.2 Taking and use of surface water as primary allocation in the following Schedule 2A catchment areas:
- Lake Hayes (Map B1),
 - Welcome Creek (Map B3),
 - Kakanui (Map B3),
 - Waianakarua (Map B3),
 - Trotters (Map B3),
 - Shag (Map B3),
 - Taieri Catchment upstream of Paerau (Map B4),
 - Taieri Catchment Sutton to Outram (Maps B4 and B5),
 - Water of Leith (Map B5),
 - Waitahuna (Map B5),
 - Pomahaka (Maps B11, B13 and B15),
 - Waiwera (Maps B13 and B15), and
 - Lake Tuakitoto (Map B5):

...

20

Schedules



SCHEDULE 2: SPECIFIED RESTRICTIONS ON THE EXERCISE OF PERMITS TO TAKE WATER

2 Schedule of specified restrictions on the exercise of permits to take surface water

...

2A Schedule of specific minimum flows for primary allocation takes in accordance with Policy 6.4.3, and primary allocation limits in accordance with Policy 6.4.2(a) and 6.4.1A

The following schedule:

...

Catchment See Maps B1-B7	Monitoring Site (with MS number) See Maps B1-B7	Minimum flow (litres per second – instantaneous flow)	Primary Allocation Limits in accord with Policy 6.4.2(a) (litres per second – instantaneous flow)
<u>Waiwera catchment</u>	<u>Maws Farm (MS 16)</u>	<u>260 (1 October to 30 April)</u> <u>400 (1 May to 30 September)</u>	<u>150 litres/sec</u> <u>Waiwera catchment from</u> <u>confluence with</u> <u>Clutha/Mata-Au to</u> <u>headwaters</u>

2B Schedule of supplementary allocation blocks and specific minimum flows in accordance with Policy 6.4.9(c)

Catchment (See Maps B1-B7) & Supplementary Block Number	Minimum Flow (litres per second – instantaneous flow) at the monitoring site(s) (See Maps B1-B7)	Supplementary Allocation Block (litres per second – instantaneous flow)
<u>Waiwera catchment</u> <u>(first supplementary</u> <u>allocation block)</u>	<u>500</u> <u>At Maws Farm (MS 16)</u>	<u>100</u>

Table of minor and consequential changes

Plan Provision	Detail of proposed change								
Page numbers	Update page numbers.								
Footers	Change footer to read “ <u>Regional Plan: Water for Otago (Updated to <date to be inserted>)</u> ”.								
Title page	Change the date to read “ <u>Updated to <date to be inserted></u> ”.								
ISBN number	Obtain new ISBN numbers for Regional Plan: Water for Otago, if necessary.								
Chronicle of key events	<p>Add the following to the end of the table:</p> <table border="1"> <thead> <tr> <th>Key event</th> <th>Date notified</th> <th>Date decisions released</th> <th>Date operative</th> </tr> </thead> <tbody> <tr> <td><u>Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water</u></td> <td>13 December 2014</td> <td><Date to be inserted></td> <td><Date to be inserted></td> </tr> </tbody> </table>	Key event	Date notified	Date decisions released	Date operative	<u>Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water</u>	13 December 2014	<Date to be inserted>	<Date to be inserted>
Key event	Date notified	Date decisions released	Date operative						
<u>Plan Change 3C (Waiwera catchment minimum flow) to the Regional Plan: Water</u>	13 December 2014	<Date to be inserted>	<Date to be inserted>						
section 1.4	<p>...</p> <p>Proposed Plan Change 6A...</p> <p><u>Proposed Plan Change 3C (Waiwera catchment minimum flow) was notified on 13 December 2014 to introduce a minimum flow and allocation regime with monitoring site for the Waiwera catchment. A total of ... submissions and ... further submissions were received. Following the hearing, decisions on submissions received were released on Plan Change 3C was made operative on</u></p> <p>...</p>								
Tables of contents [<i>on pages viii and 20-2</i>]	Update page numbers, if necessary.								
Map Index (section B)	Update section B maps and Index, as a consequence of the plan change.								

M A P S

Maps: Maps B13 and B15 showing Waiwera catchment and proposed minimum flow site at Maws Farm (MS 16)

Proposed Maps, which use the new numbering introduced by Proposed Plan Change 3B (Pomahaka catchment minimum flow), are attached as follows:

Map B - Index: Minimum Flow Catchment Boundaries and Monitoring Sites
B13
B15

REPORT

Document Id: A691541

Report Number: 2014/1746
 Prepared For: Policy
 Prepared By: Director Policy, Planning and Resource Management
 Date: 7 November 2014

Subject: **Director's Report on Progress**

1. Policy Responses

1.1 Responses – National Policies, Strategies and Plans

In the six week period ending 7 November 2014, the following were received:

Agency	Number Received	Details
Ministry for the Environment	1	National Policy Statement Fresh Water Management [updated version posted on MfE website Nov 2014]
New Zealand Productivity Commission	1	Using Land for Housing – Issues paper

No responses have yet been made on these proposals.

1.2 Responses - Territorial Authority and Regional Authority Plan Changes and Resource Consent Applications

In the six weeks ending 7 November 2014, the following were received:

Agency	Number Received	Document
Queenstown Lakes District Council	7	Consent applications
Central Otago District Council	1	Consent applications
Environment Canterbury	1	Proposed Regional Air Plan
West Coast Regional Council	1	Proposed Flood Protection Management Bylaw 2014

The following responses were made over the seven week period:

Proposal	Response Type	Issues
QLDC – Plan Change 50 Town Centre Zone	Submission – Support	Support improvements that will assist with regional transport strategies. Encouraged that the plan change should have synergy with the concurrent QLDC district and town centre business cases ORC and New Zealand Land Transport are contributing to.

1.3 Responses in meeting

A meeting with representatives from Schlumberger was held to discuss their summer seismic offshore work program in the first quarter of 2015.

2. Resource Management Act: Policy Plans and Strategies

The release of the consultation draft for the Proposed Regional Policy Statement was deferred from 30 October 2014. A separate report is presented.

It is now intended to release a revised Consultation Draft for Proposed Plan Change 5A (Lindis: Integrated water management) early next year. Stakeholders and other participants in this process have been informed of the timeline change.

3. Recommendation

That this report is noted.

Fraser McRae
Director Policy Planning and Resource Management

OTAGO REGIONAL COUNCIL**Agenda for a meeting of the Regulatory Committee to be held in the
Council Chamber, 70 Stafford Street, Dunedin on Wednesday
26 November 2014 following the Policy Committee meeting**

Membership:

Cr Sam Neill (Chairperson)
Cr Gerrard Eckhoff (Deputy Chairperson)
Cr Graeme Bell
Cr Doug Brown
Cr Louise Croot MNZM
Cr Michael Deaker
Cr Gary Kelliher
Cr Trevor Kempton
Cr Gretchen Robertson
Cr Bryan Scott
Cr David Shepherd
Cr Stephen Woodhead

Apologies: **Cr Sam Neill**

Leave of Absence:

In attendance:

**Please note that there is an embargo on agenda items until 8.30 am on Monday
24 October.**

CONFIRMATION OF AGENDA**PUBLIC FORUM****MINUTES**

The minutes of the meeting held on 15 October 2014, having been
circulated, for adoption

Matters arising from minutes

ITEMS FOR NOTING

Item 1

2014/1734 **Biosecurity and RMA Monitoring Report.** DEMO, 30/10/14

Reporting on water, air, pest, and contaminated site environmental monitoring and incidents for the period 5 September to 17 October 2014.

Item 2

2014/1795 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 10/11/14

Detailing consent processing, consent administration and building control authority activity for the period 27 September to 7 November 2014.

Item 3

2014/1760 **RMA, Biosecurity Act and Building Act Enforcement Activities.** DPPRM, 7/11/14

Detailing Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period 26 September to 7 November 2014.

Item 4

2014/1848 **Appointment of Hearing Commissioners.** DPPRM, 17/11/14

Listing hearing commissioner appointed for the period to 17 November 2014.

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Regulatory Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 15 October 2014 commencing at 12.29 pm

Present:

- Cr Sam Neill (Chairperson)
- Cr Gerrard Eckhoff (Deputy Chairperson)
- Cr Graeme Bell
- Cr Louise Croot MNZM
- Cr Michael Deaker
- Cr Gary Kelliher
- Cr Trevor Kempton
- Cr Bryan Scott
- Cr David Shepherd
- Cr Stephen Woodhead

Apologies:

- Cr Doug Brown
- Cr Gretchen Robertson

The apologies were accepted on the motion of Crs Eckhoff and Shepherd.

In attendance:

- Peter Bodeker
- Wayne Scott
- Jeff Donaldson
- Jane Leahy
- Fraser McRae
- Gavin Palmer
- Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

MINUTES

The minutes of the meeting held on 4 September 2014, having been circulated, were adopted on the motion of Crs Croot and Shepherd.

Matters arising from minutes

There were no matters arising from the minutes.

ITEMS FOR NOTING

Item 1

2014/1420 **Biosecurity and RMA Monitoring Report.** DEMO, 15/9/14

The report detailed water, air, pest, and contaminated site environmental monitoring and incidents for the period 25 July to 5 September 2014.

In response to a question about inspection work for contorta in Central Otago, Mr Donaldson advised that significant stands had been identified and notices of direction for their removal issued.

Cr Croot moved
Cr Shepherd seconded

That the report be noted.

Motion carried

Item 2

2014/1544 **Consent processing, consent administration and Building Control Authority update.** DPPRM, 3/10/14

The report detailed consent processing, consent administration and building control authority activity for the period 15 August to 26 September 2014.

Mr McRae advised that the Fulton Hogan and Andrew Haulage decisions had been released.

Cr Neill moved
Cr Croot seconded

That the report be noted.

Motion carried

Item 3

2014/1454 **RMA, Biosecurity Act and Building Act Enforcement Activities.** DPPRM, 25/9/14

The report detailed Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council for the period 13 August to 25 September 2014.

Cr Croot moved
Cr Eckhoff seconded

That the report be noted.

Motion carried

The meeting closed at 12.35 pm.

Chairperson

REPORT

Document Id: A691033

Report Number: 2014/1734

Prepared For: Regulatory Committee

Prepared By: Martin King, Manager Environmental Services
Scott Maclean, Manager Operations
Sarah Ibbotson, Manager Environmental Data and Planning

Date: 30 October 2014

Subject: **Biosecurity & RMA Monitoring Report for the period
5 September to 17 October 2014**

1. Water Quality and Quantity

1.1 Regional Plan: Water and Resource Consent Monitoring

1.1.1 Audit Monitoring

Full audits of 33 consents were conducted over the reporting period. Those that received a grade five have since had the issues rectified. Grade 4 was assigned to permits where samples (as required by the consent) had not been collected, and other reporting requirements had not been met. Grade 3 was assigned to permits where there has been persistent non-compliance with the supply of records. Grade 2 was assigned due to non-supply of records for the season. There were 8 permits that were fully compliant and 2 permits which were not being exercised.

Permit Type	0 No Compliance Grade	1 Compliant	2 NC Minor no effects	3 NC Significant no effects	4 NC Minor act. effects	5 NC Significant act. effects	Grand Total
Discharge to Air Permit		2	4				6
Discharge to Land Permit	1	3	8	1	3		16
Groundwater Take Permit		3	2	2			7
Surface Water Take Permit	2					2	4
Grand Total	3	8	14	3	3	2	33

1.1.2 Water Metering

Water metering and recording installation has been steady with the beginning of the irrigation season for consents over 20l/s, however there has been a run of installations for consents between 10-19.9l/s with the 10 November deadline coming up.

86% of consent holders over 20l/s have either installed water measuring or are making progress towards installation. There are a few in this category who have not had recent contact with the Council. These are currently being followed up with several being put forward for enforcement action.

Only 2% have still not made any progress towards installation, and are being followed up with by the enforcement team.

The deadline for water measuring installation for water permits allowing between 10-19.9l/s to be taken is 10 November 2014. Currently 64% of these permit holders have the required measuring and recording equipment installed, although some of these are yet to have the devices verified for accuracy. 24% are yet to respond to final reminders, which went out in early October, requesting installation/verification information to be supplied. The remaining consents are either non-consumptive (regulations do not apply), are currently not in use, or may have lapsed.

1.2 State of Environment Monitoring

No significant weather events were recorded during the reporting period. Monthly trophic lake monitoring began on Lakes Waiholo and Waipori on 30th September.

2. Air Quality

2.1 State of the Environment Monitoring

Monitors at Balclutha, Milton, Palmerston, Clyde and Cromwell were shut down at the end of September. The Arrowtown monitor will continue through this summer along with the permanent 12 month sites at Alexandra, Mosgiel and Dunedin.

2.2 Clean Heat Clean Air Project

Installations have definitely slowed, with 8 completed for this reporting period. We are continuing to work with other interested parties in the development of a Cosy Homes strategic plan for the whole of Otago, including looking at the development of a Trust that can leverage third party funding long term for insulation, heating and other measures.

3. Pest Management Strategy Implementation and Biosecurity Compliance

3.1 Animal Pests

3.1.1 Rabbits

Rabbit MAL inspections including audit of management plans are underway. Rabbit breeding is in full swing and opportunities are being investigated for a late summer oat poisoning programme to be instigated.

3.1.2 Wallabies

An aerial investigation was completed on 3 October in response to a wallaby sighting by DoC staff on reserve behind the Naseby Forest. No wallaby were observed during this investigation. A follow up ground inspection was carried out on 13 October in conjunction with Maniototo Pest Management to identify wallaby sign.

Several areas of sign were found in two localized areas, this was followed up with a helicopter survey on the 15th October, again no wallaby were seen.

Another ground search was completed 25 – 27 October in the area to the north of the aerial search area. Only one area of old sign was found in the south branch of Deep Creek. The Eweburn area has also been investigated, with no sign located. It appears that any wallaby present are living in a small geographical area.

The Hog Burn area in the Naseby forest was also ground searched after another sighting was reported, but no wallaby sign was located.

Twelve bait stations have been placed in the area with the most sign, with the intention to attract the wallaby to the pre-feed bait. If successful this will be followed up with toxic Feratox baits. These baits will be inspected early November.



Map showing sign locations and Aerial track log from second survey

3.1.2 Wilding Pines

A Wilding Pine Control Field day hosted by ORC was held near Naseby with 20 attendees. In addition there were six presenters giving demonstrations and talking about control.

3.1.3 Low incident plants

The spartina sites in the Waikouaiti River / Karitane Estuary and the Pleasant River Estuary were monitored to ascertain the results of the control work from the past year and to assist with future planning of resourcing required for the coming season. The control work carried out earlier this year at this stage appears to have produced very good results.

4. Operations

4.1 Contract Management

Four TBfreeNZ possum control projects are under way (Bendigo, Chatto Creek, Silverpeaks and Adams / Milton Flats). Three private pest control contracts are progressing well and showing good results – Mopanui biodiversity possum control, Oceana gold general pest control and Rayonier Forestry rabbit, possum and hare control projects).

4.2 Engineering Operations

In-stream works such as willow control have now commenced for the season. Other programmes such as the pest plant spray programme and drain maintenance programmes are also underway.

5. Environmental Incident Response

5.1 Contaminated Sites

A project scope for investigating a shared register for contaminated land information has been developed. Consultation with Territorial authority planning managers has been completed, and the next steps are to summarise the information gathered and distribute to the Otago triennial chief executives group.

5.1.1 Landfills

Victoria Flats Landfill was inspected during the reporting period to assess the effectiveness of measures implemented by the landfill operator to mitigate the potential for odour generation. The results were satisfactory, with improved procedures for managing the active face of the landfill, handling odorous waste, and reducing gas generation.

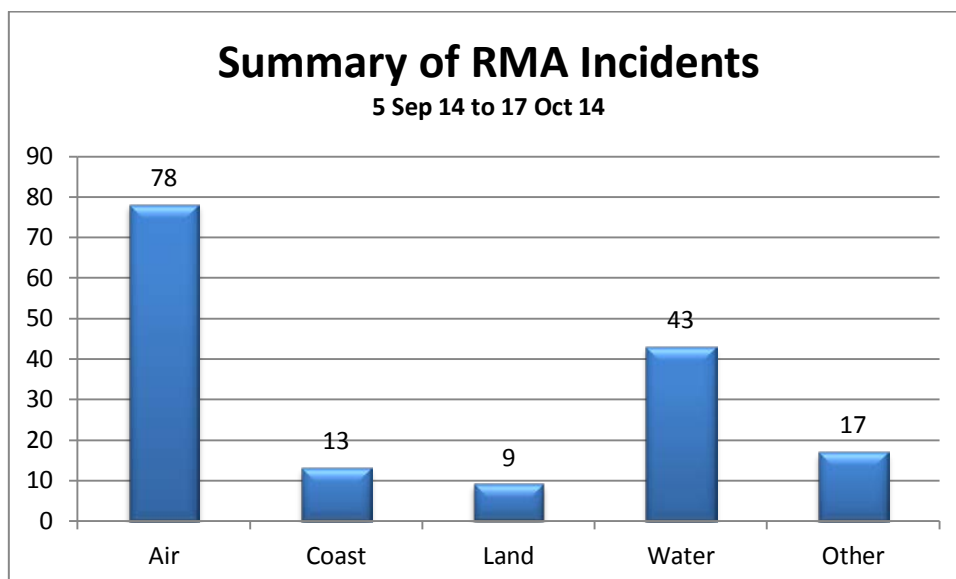
Central Otago District Council's closed landfills were inspected during the reporting period. Generally the results were satisfactory, with targeted custodial maintenance required at some sites. Full compliance reports are being prepared.

5.2 Oil Spill Management

Two managers attended the Site Supervisors course held 7 – 9 October. The course covered response structure and organisation, roles and responsibilities, planning and exercises.

5.3 Environmental Incidents

A total of 138 incidents were reported for this period. The following is a summary of the incidents received by activity type.



The majority of the air incidents can be attributed to domestic chimneys and rural burn offs. Odour complaints were the third most prevalent form of air pollution. The coastal incidents were almost all in regard to marine pollution. The majority of land incidents were from disturbances. Concerns about fresh water pollution were the cause of the majority of water investigations. The other types of incidents were varied and included issues like pest plants and rubbish on private land.

6. Dairy Farm Effluent Inspections

Dairy inspections have recently commenced with high non-compliance being identified in South and West Otago, while in North Otago and the Maniototo, non-compliance is considerably less. As a result of non-compliance, a press release was issued on 21 October to advise the community of our concerns and reminding dairy farmers of their responsibilities.

The non-compliance breaches include: effluent discharges to water via a tile drain; effluent runoff to water from a laneway; major surface ponding of effluent from a travelling irrigator; and an overflowing effluent sump and an overflowing effluent pond, both resulting in surface ponding.

Following is a breakdown on the inspections completed to date.

North Otago / Maniototo

Inspections Completed	Compliant	Non - Complaint minor	Non - Compliant Major
46	42	3	1

South and West Otago

Inspections Completed	Compliant	Non - Complaint minor	Non - Compliant Major
15	5	4	6

7. Recommendation

That this report be noted.

Jeff Donaldson

Director Environmental Monitoring and Operations

Summary of RMA Incident Complaints (General Location)

From 5 September 2014 to 17 October 2014

General Location	Row Summary	AIR							COAST					LAND				WATER				OTHER			
		Backyard burning	Burning	Domestic chimneys	Dust	Industrial air discharge	Odour	Spray Drift	Coastal structures	Marine oil spill	Marine pollution	Reclamation	Removal	Deposit	Disturbance	Land contaminati on	Mining	Abstraction	Damming	Diversion	Fresh water pollution	Stormwater	Noise	Other	Staff performance
Catlins	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Central Otago	21	2	11	1	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	4	0	0	1	0	
Clutha Plains	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Dn - Abbots/Green Is	18	1	0	3	0	2	4	0	0	0	0	0	0	1	0	0	0	0	0	6	0	0	1	0	
Dn - Coast North	8	1	3	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	
Dn - Coast South	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Dn - Inner City	29	5	0	10	0	0	1	0	0	0	1	0	2	0	1	0	0	0	0	9	0	0	0	0	
Dn - Mosgiel	5	1	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Dn - Otago Harbour	10	1	0	0	0	1	0	0	1	0	5	0	0	0	0	0	0	0	0	0	0	0	2	0	
Dn - Peninsula	9	2	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	1	0	0	0	0	
Dn - West Harbour	5	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
East Otago Uplands	2	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	
Lakes	16	0	2	0	2	0	2	1	0	0	0	0	0	1	0	0	0	0	0	3	0	0	5	0	
Maniototo	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	1	0	
North Otago	18	0	1	0	1	0	2	0	0	0	0	0	0	0	1	0	1	0	0	8	0	0	3	0	
Roxburgh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
South West Otago	3	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	
Strath	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Taieri Plains	9	1	1	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	4	0	0	1	0	
TOTALS	161	17	19	21	3	3	12	3	1	0	12	0	0	3	4	2	0	2	0	2	39	0	0	17	0

REPORT

Document Id: A694442

Report Number: 2014/1795

Prepared For: Regulatory Committee

Prepared By: Marian Weaver and Christopher Shaw

Date: 10 November 2014

Subject: **Consent Processing, Administration and BCA update**

1. Project E.1 – Resource Consent Application Processing

1.1 Consent applications and objections where status has not changed since the last report are summarised in Appendix 1.

Notified Applications

1.2 Publicly Notified Applications

RM14.026 Lakes Marina Projects Limited

The applications are for the construction of a 195 berth marina, and are sought to: disturb, reclaim, remove and place structures and deposit material on, over or under the bed of Lake Wakatipu and Marina Creek; discharge sediment; and divert Marina Creek. The applications were jointly notified along with the QLDC application on February 19th. When submissions closed on March 19th, 36 submissions were received (32 in support and 4 in opposition). This is a joint process with the ORC as lead agency. The application will be heard in December.

RM13.474 Fulton Hogan Limited

To discharge odour to air for the purpose of operating a solar sludge drying facility 2 km from Luggate. This was a joint process with the QLDC. The application was heard on 17-19 September by independent commissioners who granted the consent. There were no appeals and the consent has been issued.

1.3 Limited Notified Applications

RM12.543 - Andrew Haulage 2011 Limited

To extract up to 5,000 cubic metres per year of gravel from the true right bank of the Koau Branch of the Clutha River/Mata-Au, adjacent to Station Beach, Balclutha. The application was limited notified to the Otago Regional Council, due to the potential effect on Council's flood control infrastructure. The application was heard by an independent commissioner on 5 September who granted the consent. There were no appeals and the consent has been issued.

RM14.230 – Otago Regional Council

Application to formalise diversions within Lovells Stream and Stoney Creek, which form part of the Lake Tuakitoto wetland complex. Consent sought for a one year term of consent whilst a long term proposal to address flooding and management of the lake is sought. Application has just come off hold (7 November) as ORC has sought to address issues raised by submitters.

2. Appeals to Environment Court / Objections

RM14.251 Central Machine Hire Limited. This is an objection to an application to take gravel from the Cardrona River being rejected. A response has been sent to the applicant and their reply is awaited.

3. Consent Statistics

Table 1. Consents Statistics Summary

Reporting Period	Lodged			Rejected	Decision Given		
	Consents	Variations			Consents	Variations	
		Regular	Water reporting date			Regular	Water reporting date
2013/14 Year total	450	30	42	13	410	53	72
1 July to 15 Aug 14	29	5	1	1	35	5	11
18 Aug to 26 Sept 14	45	8	1	2	50	4	1
27 Sept to 7 Nov 14	48	6	5	1	57	6	5
14/15 year total to date	122	19	7	4	142	15	16

4. Consent Administration

Table 2. Consent Administration Statistics

Reporting Period	Transfers Received	Transfers Issued	S417 Certs Received	S417 Certs Issued
2013/2014 Year Total	208	215	16	3
1 July 14 to 15 Aug 14	15	11	0	2
18 Aug to 26 Sept 14	25	17	0	2
27 Sept to 7 Nov 14	13	23	1	0
14/15 year to date	53	51	1	4

5. Building Consent Authority (BCA) Administration

In Progress

Dam Building Consents	5
Code Compliance Certificates	4
PIM	0
Certificate of Acceptance	4

6. Public Enquiries

Appendix 2 shows that 235 enquiries were received by the Consents Units during the reporting period.

Table 3. Public Enquiries Statistics

Period	Number of Enquiries
2013/2014 year	1490
1 July to 15 Aug 14	180
18 Aug to 26 Sept 14	148
27 Sept to 7 Nov 14	238
YTD 14/15	566

7. Legislation

The 2013 amendment to the RMA that is to be enacted when there is an order in Council has not been enacted yet. Most of these amendments relate to consent processing. If there is no Order in Council the amendment is enacted in March 2015.

8. Consent Managers Group

The regional and unitary authority consent managers met on 6 and 7 November for a best practice workshop and meeting, where ORC's plan change 6A was presented.

9. Recommendation

That this report is noted.

Fraser McRae

Director Policy Planning and Resource Management

Appendix 1: Summary of applications that have not changed since the last report to the Committee

Applications

RM12.095 – Clifford MacKay Blaikie

Application to discharge treated wastewater from the Dunstan Hotel to the Clutha River/Mata-Au. Public Health South and Kai Tahu Ki Otago were served the applications, as written approval could not be obtained from these parties. The submission period closed on Monday 3rd March. Public Health South opposes the application. A request for further information has been answered. The application is on hold for the draft report and consent document to be completed and circulated to the applicant and submitter for consideration

RM13.215 - Queenstown Lakes District Council

The applications are for the discharge of odour to air, and treated effluent to the Shotover River, and then later to land from the Queenstown waste water treatment plant in the Shotover delta. QLDC already holds permits for these activities but wishes to change the timing and method of disposal to land. The applications were lodged on 17 May and publicly notified on 1 June 2013. When submissions closed on 28 June there were four submissions; one in support and three opposed. A hearing was set down for 28/29 August but has been postponed while the applicant continues to negotiate with submitters. The Hearing Panel did a site visit on 22 August 2013.

RM12.066 – Environment Canterbury - to undertake erosion protection works in the Lower Waitaki River.

Environment Canterbury has applied for consents to allow them to undertake erosion protection works in the Lower Waitaki River. Numerous erosion protection measures are proposed over a 3 km stretch of river. DoC, Iwi, Fish and Game and owners of land on which the works are to take place are all considered to be affected parties. The application is on hold while other affected parties are identified. A decision on notification is pending.

RM14.106 Southern Clams Limited

To undertake aquaculture activities within Otago Harbour. Activities to include occupation, disturbance and placement of structures within the coastal marine area. The application is on hold pending further information (sent 14 August 2014), including an assessment of any visual effects.

Pending Applications of Interest

RM13.423 – Manuherikia Catchment Water Strategy Group (MCWSG)

A working party has been established comprising MCWSG, Golder Associates and ORC staff. The aim of the working party is to develop a consenting strategy giving regard to existing mining privileges, individual water takes and irrigation options within the Manuherikia catchment.

Appendix 2

Total Number of Enquiries

235

Enquiry Type	No.	% of Total
Current Consents	103	43.8 %
Mining Privileges	1	0.4 %
Other	21	8.9 %
Permitted Activities	69	29.4 %
Pre-application	18	7.7 %
Property Enquiries	17	7.2 %
TLA Enquiries	1	0.4 %
Transfers	5	2.1 %

Enquiry Location	No.	% of Total
Central Otago District Council	72	30.6 %
Clutha District Council	12	5.1 %
Dunedin City Council	38	16.2 %
Outside Otago	2	0.9 %
Queenstown Lakes District Council	40	17 %
Throughout Otago	13	5.5 %
Unspecified	29	12.3 %
Waitaki District Council	29	12.3 %

Enquiry Method	No.	% of Total
Counter	12	5.1 %
Email	127	54 %
Letter	5	2.1 %
Telephone	91	38.7 %

REPORT

Document Id: A691992

Report Number: 2014/1760

Prepared For: Regulatory Committee

Prepared By: Peter Kelliher, Legal Counsel

Date: 7/11/2014

Subject: **Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 Enforcement Activities from 26 September 2014 to 7 November 2014**

1. Précis

This report details Resource Management Act 1991, Biosecurity Act 1993 and Building Act 2004 enforcement activities undertaken by the Otago Regional Council during the period 26 September 2014 to 7 November 2014.

2. Enforcement Action under the Resource Management Act 1991

a) Consent Auditing

No enforcement action taken.

b) Consent Performance Monitoring

Table 1. Abatement Notices

Details	Period – 26 September 2014 to 7 November 2014	Total – from 1 July 2014
To cease taking water in breach of water meter regulations	0	1
TOTAL	0	1

c) Permitted Activity Rules - Inspections

No enforcement action taken.

d) Incidents

Table 2. Infringement Notices

Details	Period – 26 September 2014 to 7 November 2014	Total – from 1 July 2014
Discharge of contaminants to air – outdoor burning	0	3
Discharge of contaminants to air – burning prohibited materials	1	2
TOTAL	1	5

Table 3. Authorised Legal Proceedings

Details	Period – 26 September 2014 to 7 November 2014	Total – from 1 July 2014
Discharge of contaminants to land in breach of a regional rule - effluent	0	1
Discharge of contaminants to air – burning prohibited materials	2	4
TOTAL	2	5

3. Biosecurity Act 1993

No enforcement action taken during the period.

4. Building Act 2004

One Notice to Fix was issued with respect to earth embankment dams in the Otago region. The Notice required the dam's owner to undertake remedial work on the dam to comply with the Building Act 2004, and regulations under that Act, or remove the dam.

5. Recommendation

That this report be noted.

Fraser McRae

Director Policy Planning and Resource Management

REPORT

Document Id: A696704

Report Number: 2014/1848

Prepared For: Regulatory Committee

Prepared By: Director Policy, Planning and Resource Management

Date: 17 November 2014

Subject: **Appointment of Hearing Commissioners to 17 November 2014**

1. Précis

Under the Resource Management Act, consent hearing commissioners must be appointed by the Council. The Commissioner Appointment Subcommittee has this function and reports to the Regulatory Committee. The appointments made in this reporting period are set out in this report.

2. Meeting 14-15 November 2014 (by email)

Present	Crs Croot and Robertson, Mr Bodeker
Applicant	ORC
Appn. No	RM14.230
Activity	To divert Lovell's Stream and Stony Creek for the purpose of flood control, Lovell's Flat, South Otago
Motion	Moved Cr Croot, seconded Mr Bodeker
Appointment	Crs Shepherd (Chair) and Neill, Cr Kempton reserve

3. Meeting 19-20 November 2014 (by email)

Present	Crs Croot, Woodhead and Robertson, Mr Bodeker
Applicant	Lakes Marina Projects Ltd
Appn. No	RM14.026
Activity	Application for various consents for the construction of a marina at Frankton
Motion	Moved Cr Woodhead, seconded Mr Bodeker
Appointment	Denis Nugent (Chair), David Whitney – QLDC appointments Martin Ward – ORC appointment
Notes	This is a joint hearing with QLDC, and ORC is lead agency. The hearing dates (10-12 December) were agreed by QLDC and the applicant, and because of the availability of key people and the time of year, can't be changed. Because the ORC Council meeting takes place on 10 December, an external commissioner was appointed. Mr Ward has acted as hearing commissioner for ORC for other hearings. For health reasons his accreditation, including chair endorsement, is not up to date, hence the appointment of Mr Nugent as Chair of the panel.

4. Recommendation

That the report be noted.

Fraser McRae
Director Policy Planning and Resource Management