

OTAGO REGIONAL COUNCIL

**Agenda for a meeting of the Policy Committee to be held in the
Council Chamber, 70 Stafford Street, Dunedin on
Wednesday 22 March 2017, following the Technical Committee**

Membership:

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

Apologies:

In attendance:

**Please note that there is an embargo on agenda items until 8.30 am on
Monday, 20 March 2017.**

CONFIRMATION OF AGENDA

CONFLICT OF INTEREST

PUBLIC FORUM

MINUTES

The minutes of the meeting held on 8 February 2017, having been circulated for adoption.

PART A – RECOMMENDATIONS

Page Nos.

- Item 1
2017/0719 **Plan Change 1D: Flow Requirements for Water Takes.** DPPRM,
22/03/17

The report seeks Council approval to proceed with preparation of Plan Change 1D: Flow Requirements for Water Takes, under the First Schedule of the Resource Management Act.

PART B - FOR NOTING

- Item 2
2017/0679 **Director's Report on policy progress to March 2017.** DPPRM,
22/03/17

The report gives an overview of significant activities undertaken by the Policy section for the period 21 January to 10 March 2017.

The following appendices are circulated separately with the agenda.

Appendix 1: *Waterways Research: Qualitative and Quantitative Findings*, a report prepared by Versus Research for the Otago Regional Council, December 2016

Appendix 2: *Literature review of the risks and adverse effects from discharges of stormwater, wastewater, industrial and trade waste, and other hazardous substances in Otago*

Appendix 3:

- *Coastal Environment of Otago Natural Character and Outstanding Natural Features and Landscapes Assessments*
- *Natural Features and Natural Landscapes Assessments*
- *Natural Character Assessment Sheets for:*
 - *Clutha District*
 - *Dunedin City*
 - *Waitaki District*

OTAGO REGIONAL COUNCIL

Minutes of a meeting of the Policy Committee held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 8 February 2017, commencing at 11:45am

Membership:

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

Apologies:

Cr Sam Neill and Cr Maggie Lawton
The apologies were accepted on the motion of Crs Deaker
and Kempton.

In attendance:

Peter Bodeker
Fraser McRae
Scott MacLean
Gavin Palmer
Caroline Rowe
Nick Donnelly
Dale Meredith
Denise Anderson
Marian Weaver
Dean Olsen (Item 2)

CONFIRMATION OF AGENDA

The agenda was confirmed as listed.

CONFLICT OF INTEREST

There were no conflicts of interest advised.

PUBLIC FORUM

No public forum was held.

MINUTES

The minutes of the meeting held on 23 November 2016, having been circulated were adopted on the motion of Crs Hope and Noone.

PART A – RECOMMENDATIONS

Item 1

2017/0627 **Wilding Conifers – Amendment to Pest Plan.** DPPRM, 02/02/17

The report detailed the recommended amendments to the Pest Plan in regard to Wilding Conifers.

Mr Bodeker advised that central government required regional councils to monitor and apply funding as an administrative and legal requirement and that this was the reason for a Council resolution to approve the changes to the pest plan was being sought.

Discussion was held on how the wilding conifer eradication management units were defined; the responsibility for engagement with the landholders, and the communications plan for the landholders within the management units, as detailed in the report.

Mr Bodeker advised that the units were done with a combination of official groups involved in the eradication activity, e.g. the Central Otago Wilding Conifer Group, Wakatipu Wilding Conifer Group, ORC and MPI. He reiterated that the eradication of wilding conifers was a community driven activity and that those organisations and groups were responsible to undertake engagement with landholders, not the ORC.

In response to a question Mr Bodeker advised that it was not compulsory for a landowner to complete eradication work on their property but that the funding being made available assisted this work occurring.

Moved Cr Woodhead

Seconded Cr Noone

That the changes to the Pest Plan identified in Attachment 1 be approved.

Motion carried

PART B - FOR NOTING

Item 2

2017/0580 **Compliance of the Regional Plan: Water for Otago with the National Policy Statement for Freshwater Management 2014.** DPPRM, 20/01/17

Mr McRae summarised the detail of the report and advised on the minor non-alignments between the Regional Plan: Water for Otago and the National Policy Statement (NPS). It was confirmed alignment of terminology between the Water Plan and the NPS would occur in the 2017-18 year.

Discussion was held on the processes followed and the quantity and quality controls in place.

Two questions were raised in regard to the monitoring of lake health. 1, if there had been different results established (due to different criteria of management being applied), .i.e. variation because of different management standards and 2, any auditing processes in place.

Dr Olsen confirmed there currently was a lot of discretion by regional councils as to where the monitoring is applied, due to how the NPS is written, e.g. monitoring of both the outlet and the body of the lake. He advised that currently TLI monitoring is underway and the State of the Environment (SOE) review is where the long term future of monitoring the lakes would be determined. He confirmed ORC was collecting robust quality data. He advised that no formal audits are undertaken but that this would be within the consideration of the SOE review.

Mr McRae advised that peer review occurs around the science management staff of regional councils and also that discussion is held between science management and MfE around consistency of approach, trends etc. He confirmed it is an interactive relationship.

Cr Woodhead left the room at 12:09pm.

Moved Cr Scott
seconded Cr Hope

- 1) *That the report is received.*
- 2) *That ORC's compliance with the objectives of the NPSFM 2014 is noted.*

Motion carried

Cr Woodhead returned to room at 12:10pm.

Item 3

2017/0621 **Plan Change 1D: Flow Requirements for Water Takes.** DPPRM,
01/02/17

Mr McRae clarified that a residual flow is a mechanism exclusive to a particular water take consent and is different from a minimum flow which is applied to multiple take consents.

Mr McRae advised that Plan Change 1D is about making plan provisions consistent and clear so that mining privilege holders will be well informed on the process for calculating the volume of water to be left at individual water takes

Mr McRae advised that Plan Change 1D was not about applying new provisions to the plan but it was more about tidying up some unclear and inconsistent provisions already in the Water Plan. He reiterated the plan change is to assist people to know what water flow is required to be maintained at the point of take.

Concerns were raised on the lack of communication and explanation to farmers and water users on the intention and reason for the Plan Change 1D. Several councillors advised that they had received numerous complaints in this regard.

Discussion was held and included:

- The need to clearly identify the purpose and process of Plan Change 1D with permit holders.
- The need to ensure that the intention of the plan change is well communicated.
- Seeking specific feedback on issues of concern for landholders and for Council.
- The priority of Plan Change 1D and whether this could be delayed to focus on further catchment minimum flow work.
- The need to provide landholders with certainty around the process of the plan change.
- To seek consultation on the specific issues of concern in the plan change through a process (other than a drop in type session format) to allow the detail to be communicated clearly and for specific feedback to be gathered.

Moved Cr Noone

Seconded Cr Bell

That Council ask staff organise a workshop as soon as practicable to discuss this matter.

Discussion was held on the timing of the workshop as the consultation process has already been notified for the proposed plan change. It was agreed that the workshop be held at the next committee round.

Moved Cr Noone

Second Cr Bell

That Council ask staff organise a workshop as soon as practicable to discuss this matter.

Motion carried

Moved Cr Scott
Seconded Cr Deaker

That the report be received.

Motion Carried.

Item 4
2017/0575 **Director's Report on Progress.** DPPRM, 20/01/17

The report provided an overview of significant activities undertaken by the Policy section for the period 5 November 2016 to 20 January 2017.

The meeting adjourned at 1:07pm and reconvened at 3:10pm

Mr McRae advised that two reports Council had commissioned and detailed under section 2.2 (Comprehensive Water Quality Strategy) and 2.4 (Coastal Strategy) of this report on waterways research and coastal values assessments had been completed and he tabled a print copy of the report entitled '*Water ways Research: Qualitative and Quantitative Findings*' and '*Coastal Environment of Otago: National Character and Outstanding Natural Features and Landscapes Assessment – Clutha, Dunedin and Waitaki section*' to the meeting.

Mr McRae advised that report recommendation a) *that the reports on the waterways research and coastal values assessment are received*, not be placed but that those reports be tabled at the next meeting of the Policy Committee to allow councillors to read the reports, prior to these being placed on the Council website.

Mr McRae advised that the waterways report was completed in conjunction with the Urban Water Quality Plan Change and strategy going forward and the other report on coastal environment, assesment, natural features and landscape were completed in conjunction with the three coastal district councils: WDC; CDC and DCC. He confirmed these reports would be appended to next directors report for the 22 March meeting of the Policy Committee. He advised that the water value report tabled would assist the water quality workshop discussion on 9 February 2017.

Moved Cr Woodhead
Seconded Cr Scott

- a) *That the reports on the waterways research and coastal values assessments are received. (to be held over to 22 March 2017 Policy Committee meeting)*
- b) *That this report is noted.*

Motion carried

The meeting was declared closed at 3:25pm

Chairperson

REPORT

Document ID: A984420
Report Number: 2017/0679
Prepared For: Regulatory committee
Prepared By: Director Policy, Planning and Resource Management
Date: 22 March 2017

Subject: **Director's report on Policy Progress March 2017**

This directorate report contributes towards:

Strategic Plan Goals:

1. Active resource stewardship
2. Active regional partnerships
3. Realisation of new opportunities

Annual Plan Projects

- G: Governance & Community
- L: Land
- P: Policy Development
- T: Transport
- W: Water

Proposed Regional Policy Statement:

1. Resource management is integrated
2. Kai Tahu values and interests are recognised and kaitiakitaka is expressed
3. The values of Otago's natural resources are recognised, maintained and enhanced
4. Communities in Otago are resilient, safe and healthy
5. People are able to use and enjoy Otago's natural and built environment

1. POLICY RESPONSES

1.1 National Policies, Strategies and Plans

The following were received over the seven-week period to 10 March 2017:

Agency	Number	Document
Ministry for Primary Industries	1	Further limited stakeholder consultation on the proposed National Environmental Standards for Plantation Forestry Regulations 2017
Ministry for Business, Innovation and Employment	1	Urban Development Authorities discussion document – <ul style="list-style-type: none"> Proposed new legislation to allow nationally or locally significant urban development projects to be built more quickly by using publicly-controlled urban development authorities.
Ministry for the Environment	1	Clean Water 2017 consultation document. Refer to Section 1.4 below for more detail.

The following responses were made over the seven-week period:

Proposal	Response Type	Issues
MBIE – Draft New Zealand Energy Efficiency and Conservation Strategy 2017-2022	Submission	ORC supported central and local government taking a leadership role in respect to making the best use of NZ’s non-renewable and renewable energy potential. Adaptation is needed to ensure energy remains productive, resilient and efficient in respect to supplying future energy needs. This is also a factor in achieving the goal of efficient and low emission transport. It was noted the draft strategy is consistent with the Proposed Regional Policy Statement and the Otago Southland Regional Land Transport Plans 2015-2021.

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

The following were received over the seven-week period to 10 March 2017:

Agency	Number Received	Document
CODC	1	Pre-consultation Private Plan Change
QLDC	9	Resource Consent
QLDC	1	Private Plan Change

The following responses were made over the seven-week period:

Proposal	Response Type	Issues
Shotover Country Limited's Special Housing Area development	Submission	ORC has responded to this application due to the natural hazard profile risk the Shotover River and Delta catchment poses to this proposal. ORC will be presenting its position at a hearing on 30-31 March 2017.

1.3 Other Proposals

Proposal	Response Type	Issues
DCC Proposed Reserves and Beaches Bylaw 2017	Submission	ORC highlighted its responsibilities within the coastal marine area as well as its land based jurisdiction for certain activities. Due to the potential for confusion the bylaw may create for the public, ORC asked for clarity to be given in the bylaw, in particular where the ORC's coast and water plan, provisions may also be relevant.

1.4 Clean Water 2017

A Clean Water package of government initiatives to help improve water quality has just been released for feedback, with submissions closing on Friday 28 April 2017. At the time of writing, a roadshow visit to Dunedin is being considered, but the date is not confirmed. A submission will be prepared on the proposal.

The package is co-led by the Ministry for the Environment (MfE) and the Ministry for Primary Industries, and builds on the National Policy Statement for Freshwater Management (NPSFM) and various water management funding programmes.

There are five components to the package:

- A target of 90% of rivers and lakes being swimmable by 2040, with an interim target of 80% by 2030;
- New maps and information on water quality for swimming, available online;
- Amendments to the NPSFM 2014;
- Inviting applications to the Freshwater Improvement Fund, worth \$100 million over the next 10 years;
- Details of policy proposals for excluding stock from waterways (excluding cattle, pigs and deer from waterways by 2030; dairy cattle and pigs from most lakes, rivers and streams from 1 July 2017, and continue on a staged basis through to 2030).

Proposed amendments to the NPSFM 2014 cover:

- Swimming and recreational values;
- Monitoring macroinvertebrates;
- Maintaining or improving overall water quality;

- Managing nitrogen and phosphorus;
- Economic wellbeing;
- National bottom lines on infrastructure;
- Coastal lakes and lagoons;
- Te Mana o Te Wai.

For more information, please refer to the MfE website: <http://www.mfe.govt.nz/publications/fresh-water/clean-water-90-of-rivers-and-lakes-swimmable-2040>.

1.5 Resource Legislation Amendment Bill

The Local Government and Environment Committee have announced it recommended changes to the Resource Legislation Amendment Bill. The Bill was first announced on 26 November 2015 and ORC lodged its submission on 14 March 2016.

The following is a summary of that Committee's recommended changes to the Bill:

- Improved Maori participation arrangements
- National Planning standards to reduce plan complexity and cost (previously titled the National Planning Template)
- Streamlined planning process to improve responsiveness
- Strengthening of requirements to manage natural hazard risks
- New requirements for councils to free up land for housing
- New provisions to enable stock exclusion from waterways, including introduction of a nationally standardised infringement regime with instant fines.

The Bill went before the House for its second reading last week.

2. ORC: POLICY, PLANS AND STRATEGIES

2.1 Review of Regional Policy Statement

Twenty six appeals have been received on the proposed Regional Policy Statement. In addition to most of these parties lodging an interest in becoming party to another appellant's appeal, a further 18 new parties have joined in, as provided for under Section 274 of the RMA.

Court assisted mediation was held on the week of 20-24 February, and will continue over the week 20-24 March 2017. Staff are also meeting with individual appellants to ensure good progress is made resolving appeals.

Environment Court time to resolve final matters is scheduled for early July 2017.

2.2 Comprehensive Water Quality Strategy

The preliminary urban water quality goal tree, discussed at the last councillor workshop, is being shared and discussed with city and district councils (councillors and staff), Kai Tahu and Public Health South.

Work is underway to develop strategic options, based on the goal tree, in direct collaboration with the Councillor Reference Group and key internal staff.

Those options will be discussed at an Urban Water Quality Strategic Workshop, bringing together councillors, key stakeholders and technical experts, on 26 and 27 April 2017.

The background final report on the community survey, '*Waterways Research: Qualitative and Quantitative Findings*', a report prepared by Versus Research for the Otago Regional Council, December 2016, attached as Appendix 1, should be received by Council and made available on Council's website:

The background literature review, '*Literature review of the risks and adverse effects from discharges of stormwater, wastewater, industrial and trade waste, and other hazardous substances in Otago*', a report prepared by Streamlined for the Otago Regional Council, January 2017, attached as Appendix 2, should also be received and made available on Council's website.

2.3 Biodiversity Strategy

Council has contracted Wildlands Ltd to prepare a Biodiversity Strategy (under Annual Plan Project L1 Biodiversity). It is now appropriate for the Biodiversity Reference Group to convene in relation to development of this strategy.

2.4 Coastal Strategy

As part of Annual Plan Project W5 Coastal Strategy, an inventory of coastal information held by Council has now been completed. Some relevant background reports on coastal values, prepared as input to the review of the proposed Regional Policy Statement and coastal local authority district plans, should be received by Council before being made publicly available on Council's website.

These reports are:

- *Coastal Environment of Otago Natural Character and Outstanding Natural Features and Landscapes Assessments for:*
 - *Clutha District*
 - *Dunedin City*
 - *Waitaki District*

2015 reports prepared for Otago Regional Council and each council by Mike Moore, Ryder Consulting and Read Landscapes

The background assessments to these reports also warrant placement on the website as they assess all coastal areas, from which the above reports were derived:

- *Natural Features and Natural Landscapes Assessments* for Otago Regional Council and:
 - Clutha District Council
 - Dunedin City Council
 - Waitaki District Council

- 2015 reports prepared by Mike Moore, Ryder Consulting and Read Landscapes
- *Natural Character Assessment Sheets* for Otago Regional Council and:
 - Clutha District Council
 - Dunedin City Council
 - Waitaki District Council
- 2015 reports prepared by Mike Moore, Ryder Consulting and Read Landscapes

Copies of these reports are attached in Appendix 3.

3. WATER QUANTITY PLANNING

3.1 Proposed Plan Change 5A Lindis: Integrated water management

Council received 1 appeal on Proposed Plan Change 5A Lindis: integrated water management, while a further 15 Section 274 party to the proceedings notices have been lodged.

Environment Court-assisted mediation was held on 8 and 9 December 2016, with some 25 people attending. Further hydrological, cultural, and ecological investigations and a social impact assessment are being undertaken as a result of this mediation.

The parties have agreed to report back to the Court by 28 April 2017 on progress and potential dates for a reconvened mediation.

3.2 Proposed Plan Change 5C: Manuherikia Catchment: Integrated water management

Development of options for managing water quantity in the catchment is based on analysis, investigations, assessments and reports prepared for and undertaken by Council and the community feedback received.

Preparation for consultation number 2 on the options for managing water quantity in the catchment was discussed at a workshop on 14 March 2017. The community will be asked for their preferences and comments on a number of options identified for water quantity management. People will also be asked what things they had in mind when they considered their preference for the future. Both a Social Assessment and an Economic Assessment will be prepared and these will be considered prior to the preferred options being identified.

Consultation number 2 will take place from 21 to 23 March in Otarehua, Omakau and Alexandra. The form of consultation will be drop-in sessions from 1:00 pm to 3:00 pm, and 6:30 pm to 8:00 pm at each location. Any people who are unable to make it to one of the drop-in sessions will be able to see the drop-in consultation material and the feedback form on the ORC website. Feedback can be sent via post or email.

Proposed Plan Change 1D: Flow Requirements for Water Takes

Plan Change 1D: Flow Requirements for Water Takes is integral to managing retention of ecological values and natural character where water is taken. In concert with main

stem minimum flows, tributary residual flows ensure water flow does not stop as a result of taking water.

Plan administration learning shows uncertainty about where, why, and how residual flows are expected to perform. Strengthening of the definitions to differentiate between minimum flows and residual flows and the purpose of a residual flow would be beneficial. The addition of other environmental factors associated with residual flows may be beneficial. The water plan contains provisions relating to residual flows and these differ from those for minimum flows.

Clarity around the way that residual flow conditions are determined and set would provide clarity for users of the plan. Clarity around the use of residual flow conditions on main stems below minimum flow sites and where there is no minimum flow on a river would be useful. There can be practical issues associated with measuring residual flows at the point of take because of site conditions and a better outcome may be achieved at a downstream site or at the bottom of a tributary.

Plan Change 1D will provide consistency and more certainty when setting residual flows by clarifying the plan provisions.

Initial brief analysis of feedback in response to the first round of consultation identified the following matters were raised:

- The need for this change to the water plan at this time, preferring retention of the current uncertain situation leading up to replacement of deemed permits prior to 2021.

Other matters included:

- The difference between residual flows and minimum flows in the plan is not clear to all plan users.
- There is a need to consider other downstream permitted and consented water takes.
- Support for the current plan provisions where ecological and natural character effects are considered for residual flows.
- Add consideration of social and economic effects through to the full range of effects considered when setting minimum flows.
- Concern that flexibility could be lost for Water Management Groups to manage water sharing in times of low flow.
- Mixed views on whether more guidance in the Water Plan would be useful and how the status of guidance would be interpreted.
- Mixed views on whether residual flows should be measured at the point of take or whether there should be flexibility on measurement location.
- Concern expressed about the cost of installing instruments to measure flows.
- Concern expressed that uncertainty around water rights is leading to bankers being reluctant to finance irrigation development.
- It all looks like a done deal.

Further consultation sessions will be held in April and June as the plan change is developed. The plan change is anticipated to be notified July/August 2017.

4. REGIONAL TRANSPORT

Regional Transport Committees

The Otago and Southland Regional Transport Committees have reviewed the common strategic front-end of their Regional Land Transport Plans (RLTPs). This work is part of the RLTP review mandated by the Land Transport Management Act 2003.

The three key problems the Committees recommend investing are:

1. Attitudes and behaviour together with inconsistent quality of routes in the region results in fatal and serious injury crashes;
2. Sections of the network are increasingly vulnerable to closure from adverse events resulting in economic and social disruptions;
3. Inability to assess, plan, fund and respond to changing transport user demands in a timely way results in poor investment prioritisation and decisions.

The benefits anticipated from this investment are:

1. reduced social impacts of fatalities and serious injuries;
2. improved community connectivity and wellbeing;
3. improved network performance and capability; and
4. value for money, particularly in regard to the timeliness of investments.

The next step will be targeted consultation with representative land transport users and providers. As part of this, the Otago and Southland Regional Land Transport Committees have been meeting with the territorial authorities to explain the Committees' functions and the Regional Land Transport Plan, and to discuss these proposed strategic priorities.

Government Policy Statement on Land Transport

The Government recently released its draft Government Policy Statement on Land Transport. Reassuringly, the draft addresses the matters raised with the Minister by the South Island Regional Transport Chairs group, including:

- the need for integrated, multi-modal transport strategy, policy and solutions;
- more recognition of the need to plan for, and invest in, transport that supports and helps grow tourism in the South Island;
- acknowledging the importance of the internal freight tasks (the previous GPS overlooked the fact that many journeys start on local roads);
- the importance of the network's resilience for both tourism and freight; and
- the need to address the difficulty of raising the local share of funding for regional improvements.

Queenstown Transport business case planning

Development of the integrated transport programme business case continues; the programme business case containing the short list of options will be completed before Easter, and then discussed by the Governance Group.

5. RECOMMENDATION

6.

- a) *That the reports on the waterways research and coastal values assessments are received.*
- b) *That this report is noted.*

Fraser McRae

Director Policy Planning and Resource Management

Appendices:

Appendix 1: *Waterways Research: Qualitative and Quantitative Findings', a report prepared by Versus Research for the Otago Regional Council, December 2016*

Appendix 2: *Literature review of the risks and adverse effects from discharges of stormwater, wastewater, industrial and trade waste, and other hazardous substances in Otago*

Appendix 3:

- *Coastal Environment of Otago Natural Character and Outstanding Natural Features and Landscapes Assessments*
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 - *Dunedin City*
 - *Waitaki District*

REPORT

Document ID: A987737
Report Number: 2017/0719
Prepared For: Policy Committee
Prepared By: Director Policy, Planning and Resource Management
Date: 22 March 2017

Subject: **Proposed Plan Change 1D: Flow Requirements for Water Takes**

1. PRÉCIS

The water plan is continuing to be developed, through the RMA first schedule process, using a series of plan changes which add to or amend operative provisions. These changes relate to water quality and quantity management.

Water quantity provisions underwent significant amendment with Plan Change 1 which largely addressed replacing the deemed permit/mining privilege permission for water taking. The water plan contains many minimum flows specified for specific sites within defined catchments and current plan changes seek to add to this of minimum flows. As deemed permits expire in 2021, it is proposed to ensure the greatest certainty for replacement processing by setting minimum flows in catchments containing deemed permits.

Water takes from main stems are largely constrained by minimum flows while takes from tributaries are constrained residual flows. The difference being minimum flows are common to many takes while residual flows are linked to individual takes. The plan provisions for setting residual flows are less certain than those for minimum flows and produce uncertainty for processing applications to take water from tributaries.

Plan Change 1D: Flow Requirements for Water Takes is integral to managing retention of ecological values and natural character where water is taken. In concert with main stem minimum flows, tributary residual flows ensure water flow is depleted as a result of taking water.

2. DISCUSSION

The water plan contains provisions relating to residual flows and these differ from those for minimum flows. Plan administration learning shows uncertainty about where, why, and how residual flows are expected to perform. Clarification of the provisions relating to residual flows and defining the purpose of a residual flow would be beneficial. Also, the addition of reference to other environmental factors associated with residual flows will be beneficial.

Clarity around the way that residual flows for consent conditions are determined would and the use of residual flow conditions on main stems below minimum flow sites and

where there is no minimum flow on a river would provide better clarity for consent applicants.

There can be practical issues associated with measuring residual flows at the point of take because of site conditions and a better outcome may be achieved at a downstream site or at the bottom of a tributary.

Plan Change 1D will provide consistency and more certainty when setting residual flows for takes distant from minimum flow sites by clarifying the plan provisions. Initial consultation identified the following matters relating to proposed plan change 1D: Flow Requirements for Water Takes as:

- The need for this change to the water plan at this time, preferring retention of the current uncertain situation leading up to replacement of deemed permits prior to 2021.

Other matters included:

- The difference between residual flows and minimum flows in the plan is not clear to all plan users.
- There is a need to consider other downstream permitted and consented water takes.
- Support for the current plan provisions where ecological and natural character effects are considered for residual flows.
- Add consideration of social and economic effects through to the full range of effects considered when setting minimum flows.
- Concern that flexibility could be lost for Water Management Groups to manage water sharing in times of low flow.
- Mixed views on whether more guidance in the Water Plan would be useful and how the status of guidance would be interpreted.
- Mixed views on whether residual flows should be measured at the point of take or whether there should be flexibility on measurement location.
- Concern expressed about the cost of installing instruments to measure flows.
- Concern expressed that uncertainty around water rights is leading to bankers being reluctant to finance irrigation development.
- It all looks like a done deal.

Further consultation sessions will be held in April and June as the plan change is developed. The plan change is anticipated to be notified July/August 2017.

3. RECOMMENDATION

- (a) That council proceed with preparation of Plan Change 1D: Flow Requirements for Water Takes, under the First Schedule of the Resource Management Act.

Fraser McRae

Director Policy Planning and Resource Management