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Minutes of an ordinary meeting of Council held in the
Council Chamber at Philip Laing House,
144 Rattray Street, Dunedin on
Wednesday 20 February 2019,
commencing at 1:00pm

Membership

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

Welcome

Cr Woodhead welcomed Councillors, members of the public and staff to the meeting.

1. APOLOGIES

Resolution

That the apologies for Cr Brown be accepted.

Moved: Cr Woodhead

Seconded: Cr Hope

CARRIED

2. LEAVE OF ABSENCE

Resolution

That the request for leave of absence from Cr Woodhead and Cr Kempton be accepted.

Moved: Cr Lawton

Seconded: Cr Hope

CARRIED

3. ATTENDANCE

Sarah Gardner (Chief Executive)

Nick Donnelly (Director Corporate Services)

Andrew Newman (Acting Director Policy, Planning and Resource Management)

Peter Fitzjohn (Acting Director Stakeholder Engagement)

Gavin Palmer (Director Engineering, Hazards and Science)

Peter Winder (Acting Director Environmental Monitoring and Operations)

Sally Giddens (Director People and Safety)

Ian McCabe (Executive Officer)

Kim Wainscott (Acting Committee Secretary)

4. CONFIRMATION OF AGENDA

Cr Woodhead moved to table a late report to the Public Excluded Council Meeting, Matters for Council Decision: 16.2.

Moved: Cr Woodhead

Seconded: Cr Noone

CARRIED

5. CONFLICT OF INTEREST

No conflicts of interest were advised.

6. PUBLIC FORUM

No public forum was held.

7. PRESENTATIONS

No presentations were held.

8. CONFIRMATION OF MINUTES

Resolution

That the minutes of the (public portion of the) Council meeting held on 12 December 2018 be received and confirmed as a true and accurate record.

Moved: Cr Bell

Seconded: Cr Hope

CARRIED

9. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Status report on the resolutions of the Council Meeting

Report	Action	Status
Delegations – Resource Management Act (Council 27/6/18)	<i>An independent review of the Council’s consenting functions be undertaken</i> <i>That the Chief Executive prepares a brief on the requirements of the review for Council consideration.</i>	In progress

10. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

10.1. Chairperson's Report

Cr Woodhead summarised his report and highlighted his attendance at the Queenstown Water Forum, the Queenstown Transport Governance Group and the Otago/Southland Mayoral Forum. The Otago Regional Council also hosted a delegation from Sichuan Province, China in December. A discussion was held on the direction to come from the Crown on environmental issues. Mrs Gardner to provide a further update to Council on the Regional Sector meeting which was held on 15 February.

10.2. Chief Executive's Report

The report summarised the key meetings attended by Mrs Gardner during the period since the last Council meeting held on 12 December 2018. Of note was the upcoming collaboration with the U3A organisation. The Council requested the presentations from the educational series to come from this collaboration be made available on the Otago Regional Council’s website. Mrs Gardner met with Federated Farmers and provided an update on discussions on the Plan Change 6A implementation.

Resolution

That the Chairperson’s and Chief Executive’s reports be received.

Moved: Cr Woodhead

Seconded: Cr Hope

CARRIED

11. MATTERS FOR COUNCIL DECISION

11.1. Appointment of Hearing Panel re Otago Navigation Safety Bylaw 2018

Under the Maritime Transport Act (1994), the Otago Regional Council (Council) has the authority to regulate ports, harbours, waters and maritime-related activities in the Otago Region. Council has consulted with the community on the draft Otago Navigation Safety Bylaw 2018 (“Bylaw”).

The paper introduced the recommendation to appoint a hearings panel to replace the panel selection which was moved under a resolution during the 11 April 2018 Council Meeting. Clarification on this recommendation was provided, including that a panel of such a large size was unnecessary, the panel should include specific maritime expertise, and a chair had not been duly appointed.

The Council was requested to appoint a new hearings panel, discussion was held, and a resolution moved for the new panel to consist of two Councillors, Cr Lawton and Cr Scott, as

well as Environment Southland's harbourmaster, Mr Lyndon Cleaver. Cr Scott will chair the panel. The Council agreed to the new resolution.

Resolution

STAFF RECOMMENDATION

That the Council:

- 1) **Receives** this report.
- 2) **Resolves** to revoke a resolution by Council made during the Council meeting of 11 April 2018 regarding the Otago Navigational Bylaws, 2018, namely "b) Hearing Panel to be constituted by the Councillors".
- 3) **Appoints** a hearing panel with delegation to hear from submitters, consider all submissions received, deliberate and make recommendations to Council in relation to the Otago Navigation Safety Bylaw.
- 4) *That the hearings panel comprises of Cr Lawton and Cr Scott who have completed the "Making Good Decisions" accreditation (Cr Scott will chair the panel) and Mr Lyndon Cleaver.*

Moved: Cr Woodhead

Seconded: Cr Kempton

CARRIED

11.2. Iwi Representation on Policy Committee

The Otago Regional Council has formally recognised its statutory responsibilities relationship to consult with iwi on relevant management issues and to take account of the principles of the Treaty of Waitangi. The purpose of this paper was to approve potential iwi representation on the Policy Committee and authorise the Chief Executive to approach iwi to nominate representative(s).

Discussion was held on the requirement for a more detailed report to be provided, including matters clarifying the number of iwi representatives to sit on the Policy Committee, remuneration, obligations and responsibilities. It was noted that this is a significant change proposed to the governance of Otago Regional Council and the Council and is looking forward to a meaningful relationship with iwi.

An amendment (2) was moved by Cr Laws, seconded by Cr Lawton and became the substantive motion and was agreed by Council.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Amended motion:** *This paper seeks further detail from staff as to the role, obligations and responsibilities of any appointed Ngai Tahu members to the Policy Committee and that the understanding of Ngai Tahu be clarified as to their possible roles*

Moved: Cr Laws

Seconded: Cr Lawton

CARRIED

12. MATTERS FOR NOTING

12.1. Documents signed under Council's Seal December 2018 to February 2019

Resolution

That the report be noted.

Moved: Cr Scott

Seconded: Cr Hope

CARRIED

13. REPORT BACK FROM COUNCILLORS

13.1 REPORT BACK FROM COUNCILLORS

Cr Deaker spoke to his report, noting his attendance at meetings of the Dunedin Inner-city Bus Loop, the Hospital Rebuild and the Engagement Plan for the Retail Quarter.

Cr Lawton provided an update on the opening of Otago Regional Council's Queenstown office and the community stakeholders discussion on the Manuherekia.

Cr Bell noted his intention for community involvement in rabbit control around the Arrow Junction/Pisa Moorings area. Urban pest destruction pamphlets have been distributed to landowners.

14. NOTICES OF MOTION

No Notices of Motion were advised.

15. RECOMMENDATIONS ADOPTED AT COMMITTEE MEETINGS HELD ON 30 AND 31 JANUARY 2019

15.1. Recommendations of the Policy Committee

Resolution

Recommendations of the Policy Committee meeting held on 30 January 2019, for adoption.

Moved: Cr Robertson

Seconded: Cr Laws

CARRIED

15.2. Recommendations of the Regulatory Committee

Resolution

Recommendations of the public portion of the Regulatory Committee meeting held on 30 January 2019, for adoption.

Moved: Cr Scott

Seconded: Cr Neill

CARRIED

15.3. Recommendations of the Communications Committee

Resolution

Recommendations of the Communications Committee meeting held on 31 January 2019, for adoption.

Moved: Cr Deaker

Seconded: Cr Hope

CARRIED

15.4. Recommendations of the Technical Committee

Resolution

Recommendations of the Technical Committee meeting held on 30 January 2019, for adoption.

Moved: Cr Noone
Seconded: Cr Lawton
CARRIED

15.5. Recommendations of the Public Portion of the Finance and Corporate Committee

Resolution

Recommendations of the public portion of the Finance and Corporate Committee meeting held on 31 January 2019, for adoption.

Moved: Cr Woodhead
Seconded: Cr Noone
CARRIED

16. RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of the proceedings of this meeting, namely:

Item 2.1. Report - GOV1823 ORC Head Office Update

Moved: Cr Woodhead
Seconded: Cr Neill
CARRIED

17. CLOSURE

The meeting was declared closed at 03:09 pm.

Chairperson

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

Decision No. [2018] NZEnvC42

IN THE MATTER of the Resource Management Act 1991
AND of appeals pursuant to clause 14 of the First
Schedule to the Act
BETWEEN ALLIANCE GROUP LIMITED
(ENV-2016-CHC-112)
and other appeals listed in the schedule on
the last page
Appellants
AND OTAGO REGIONAL COUNCIL
Respondent

Court: Environment Judge J R Jackson

Hearing: In Chambers at Christchurch

Date of Decision: 15 March 2019

Date of Issue: 15 March 2019

PROCEDURAL DECISION

A: Subject to Order [C], under section 279(1) and section 290 of the Resource Management Act I direct that unless an application is made under [C] by **5 April 2019**, the Otago Regional Council should by consent amend:

- (1) Chapter 3 of the proposed Otago Regional Policy Statement as set out in Schedule "A" to this decision; and
- (2) The "Implementation and Glossary" as set out in Schedule "B".



B: I rule that:

- (1) the parties have not responded to all the matters raised in the Minute of 31 August 2018; and
- (2) *prima facie* the purpose of the Act is not achieved by the proposed Otago Regional Policy Statement when read as a whole with the partly operative RPS.

C: The court reserves leave for any party to apply to remedy any possible defects, incompleteness or uncertainty in the pORPS identified in the Minute of 31 August 2018 or raised in the Reasons below either by:

- (1) amending proposed Chapter 3; or
- (2) by directions under section 293 of the Act.

D: I direct that by **Friday 29 March 2019** the Council must lodge a memorandum advising whether there are any outstanding matters in relation to the proposed Otago Regional Policy Statement.

REASONS

Introduction

[1] On 6 July 2018 the Otago Regional Council (“ORC”) lodged a consent memorandum with the Registrar about Chapter 3 of the proposed Otago Regional Policy Statement.

[2] In June and July 2018 the court issued consent orders in respect of Chapters 4 and 5 (subject to outstanding, unresolved appeals on Chapter 5).

[3] In a Minute dated 31 August 2018, I asked parties to consider (amongst other matters) issues in relation to objectives 3.1 and 3.2 as well as policies 3.1.7 and 3.2.12(a).

[4] The ORC has responded on some matters (and raised a further issue) in memoranda dated 28 September 2018, 19 November 2018 and 11 January 2019 but has simply omitted to act on others in the Minute of 31 August 2018.



[5] Despite that, it seems that the ORC has slightly jumped the gun. On 12 December 2018, the ORC approved part of the proposed Regional Policy Statement to become operative from 14 January 2019. From this point I will refer to the partly operative regional policy statement as “the PORPS” and the proposed regional policy statement as “the pORPS”, and both together as “the RPS”. I emphasise that a Regional Council is entitled to do that, but wish to record that it may have created other problems for itself.

Unresolved issues

Relationship between the chapters of the RPS

[6] The main issue is the relationship between the chapters of the pORPS as raised in [23] and [24] of the court’s Minute of 31 August 2018 and not responded to.

[7] The issue is of some importance given that (operative) objective OS 3 is that “sufficient land is managed and protected for economic production”. To achieve the purpose of the RMA this would at first sight need to be subject (I tentatively assume) to the “bottom lines” required by (*inter alia*) section 6 RMA as particularised in Chapter 3 of the PORPS. The court suggested, in [5] of the 31 August 2018 Minute, an answer to this issue (but it is not a very robust solution since it relies on an explanation rather than an amended objective).

[8] The court is aware of the two sentences in Part A (page 9 of the partly operative ORPS) which state: “All provisions of the RPS must be considered together. The outcomes interrelate, and no hierarchy exists between them”. However, “considering” provisions together is not the same as “achieving objectives at the same time”, which is what (it appears) is required under section 5 of the Act and under the NZCPS. The difficulty is that an objective or policy which merely needs to be considered may be rejected whereas the “bottom-lines” in section 52(b) and section 66(c) for example need to be achieved. It seems to me that on its face the RPS does not achieve the purpose of the Act.

[9] Also, Chapter 3 seems to equate all values in sections 5 and 6 (except for section 6(e) which has its own chapter). The various differences in approach in section 6 RMA



– having regard to appropriateness in some cases, significance in others – is not reflected in the policies of the RPS.

Other issues raised in the Minute of 31 August 2018

[10] The parties do not appear to have answered the court’s other queries in its Minute of 31 August 2018. In particular (referring to the relevant paragraphs of that Minute):

- [7] soil values (policy 3.1.7); and
- [8] to [11] surf breaks.

The explanation in the ORC memorandum of 11 January 2019

[11] In its 11 January 2019 memorandum the ORC spent about nine pages explaining policy 5.4.8(2).

[12] I do not understand the explanation and I still do not understand the policy. However, my current intention is to approve the policy, noting my concern that uncertainty in the policy may need to allow resort to Part 2 of the Act in difficult cases.

Outstanding values of ONLs

[13] I raise a question about the *vires* of these policies. The most relevant policies in the proposed RPS are contained in the consent memorandum (“cm”) of the parties to appeals on that document. I quote the marked-up version along with the decisions version (“dv”) policies that were appealed but eventually unchanged from the dv. The policies are:

(dv) Policy 3.2.3 Identifying outstanding natural features, landscapes and seascapes
Identify areas and values of outstanding natural features, landscapes and seascapes, using the attributes in Schedule 3.

(cm) Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance and or restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) In the coastal environment, avoiding adverse effects on the outstanding values of the natural feature, landscape or seascape;



- ~~ba)~~ ~~Avoiding adverse effects on Beyond the coastal environment, maintaining those the outstanding values which contribute to the significance of the natural feature, landscape or seascape;~~
- ~~cb)~~ ~~Avoiding, remedying or mitigating other adverse effects;~~
- ~~c)~~ ~~Recognising and providing for the positive contributions of existing introduced species to those values;~~
- ~~d)~~ ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;~~
- ~~de)~~ ~~Encouraging enhancement of those areas and values which that contribute to the significance of the natural feature, landscape or seascape.~~

(dv) Policy 3.2.5 Identifying highly valued natural features, landscapes and seascapes
Identify natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment but which are not outstanding, using the attributes in Schedule 3.

(cm) Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes
~~Protect~~ Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) Avoiding significant adverse effects on those values which that contribute to the high value of the natural feature, landscape or seascape ;
- b) Avoiding, remedying or mitigating other adverse effects ;
- ~~c)~~ ~~Recognising and providing for positive contributions of existing introduced species to those values;~~
- ~~d)~~ ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;~~
- ~~ce)~~ Encouraging enhancement of those values which that contribute to the high value of the natural feature, landscape or seascape.

The issue relates to policy 3.2.4 on outstanding natural landscapes (“ONLs”) and features. This policy does not protect ONLs in themselves but their “outstanding values”. That immediately raises a question¹ about how the “outstanding values” of an ONL can be isolated and whether they should be. I would have preferred submissions on the legality and/or completeness/certainty of this policy. It seems to me that an outstanding ... “landscape” under the RMA may be more than the sum of its values.

Are there other outstanding issues?

¹ I am indebted to my colleague Judge Hassan for asking this question (in proceedings on the proposed Queenstown Lakes District Plan).



[14] Finally, the outstanding consent memoranda that were on hold and are now being (provisionally) resolved by the court are 'Chapter 3' and 'Implementation and Glossary'. The Council needs to advise the court if there are further outstanding topics (other than those awaiting decisions). For example an asterisk to the PORPS refers to various methods still being subject to challenge.


[15] I also note that, the Council's 11 January 2019 memorandum confirmed the final wording of objective 3.1. This memorandum was not, however, signed by all the parties. The Council confirmed that all parties who had an interest in Chapter 3 were consulted but I will reserve leave for any party to advise the court if they have any issues with the final wording.

Reservation of leave

[16] I will reserve leave for any party to apply further if they wish to resolve any one or more of the issues raised above.

[17] I should add that I do not wish to be seen as encouraging (or discouraging) applications under the leave reserved in Order [C]. Even if parties consider after reading this decision that the RPS is incomplete, or uncertain (or possibly illegal) in parts, they may prefer to raise these issues in the future in more focused cases where the alleged defect is squarely before the relevant local authority or the courts. Indeed that may be a preferable course of action. However fairness to parties who have not had the time to think about these issues, or the expertise to guide them, requires that I reserve such leave.

For the court:



J R Jackson
Environment Judge



Schedule

AYRBURN FARM DEVELOPMENT LIMITED AND BRIDESDALE FARM DEVELOPMENTS LIMITED (ENV-2016-CHC-108)	PIONEER ENERGY LIMITED (ENV-2016-CHC-121)
CLUTHA DISTRICT COUNCIL (ENV-2016-CHC-105)	PORT OTAGO LIMITED (ENV-2016-CHC-86)
DARBY PLANNING LP (ENV-2016-CHC-110)	QUEENSTOWN AIRPORT CORPORATION LIMITED (ENV-2016-CHC-117)
DUNEDIN CITY COUNCIL (ENV-2016-CHC-084)	RAVENSDOWN LIMITED (ENV-2016-CHC-85)
ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED (ENV-2016-CHC-122)	REAL JOURNEYS LIMITED (ENV-2016-CHC-109)
FEDERATED FARMERS OF NEW ZEALAND INCORPORATED (ENV-2016-CHC-120)	REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED (ENV-2016-CHC-119)
HENLEY DOWNS LAND HOLDINGS LIMITED (ENV-2016-CHC-111)	ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED (ENV-2016-CHC-102)
HORTICULTURE NEW ZEALAND (ENV-2016-CHC-114)	TRANSPower NEW ZEALAND LIMITED (ENV-2016-CHC-113)
OCEANA GOLD NEW ZEALAND LIMITED (ENV-2016-CHC-103)	TRUSTPOWER LIMITED (ENV-2016-CHC-82)
OTAGO WATER RESOURCE USERS GROUP (ENV-2016-CHC-124)	WISE RESPONSE INCORPORATED (ENV-2016-CHC-106)



SCHEDULE A

PART B Chapter 3 Otago has high quality natural resources and ecosystems

People and communities need to sustainably manage the environment, including safeguarding the life-supporting capacity of natural resources and recognising the intrinsic values of ecosystems, is are essential to provide for the current and future wellbeing of people and communities.

The economy, particularly primary production, tourism, and mineral and petroleum exploration and extraction, strongly relies on the quantity and quality of natural resources and the ecosystem services they provide.

This chapter begins with the recognition and maintenance of all natural resources. The second part focuses on the identification, protection, and enhancement of natural resources that are nationally or regionally important. This chapter is not concerned with sustaining mineral resources for future generations.

Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised, and maintained, and/or enhanced where degraded

Policy 3.1.1 Fresh water

Safeguard the life-supporting capacity of fresh water and manage fresh water to:

- a) Maintain good quality water and enhance water quality where it is degraded, including for:
 - i. Important recreation values, including contact recreation; and
 - ii. Existing drinking and stock water supplies;
- b) Maintain or enhance aquatic:
 - i. Ecosystem health;
 - ii. Indigenous habitats; and
 - iii. Indigenous species and their migratory patterns.
- c) Avoid aquifer compaction and seawater intrusion;
- d) Maintain or enhance, as far as practicable:
 - i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;
 - ii. Coastal values supported by fresh water;
 - iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity; and
 - iv. Amenity and landscape values of rivers, lakes, and wetlands;
- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread;
- f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion; and
- g) Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water.



Manage fresh water to achieve all of the following:

- ~~a) — Maintain or enhance ecosystem health in all Otago aquifers, and rivers, lakes, wetlands, and their margins;~~
- ~~b) — Maintain or enhance the range and extent of habitats provided by fresh water, including the habitat of trout and salmon;~~
- ~~c) — Recognise and provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;~~
- ~~d) — Avoid aquifer compaction and seawater intrusion in aquifers;~~
- ~~e) — Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;~~
- ~~f) — Maintain or enhance coastal values;~~
- ~~g) — Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;~~
- ~~h) — Maintain or enhance the quality and reliability of existing drinking and stock water supplies;~~
- ~~i) — Recognise and provide for important recreation values;~~
- ~~j) — Maintain or enhance the amenity and landscape values of rivers, lakes, and wetlands;~~
- ~~k) — Control the adverse effects of pest species, prevent their introduction and reduce their spread;~~
- ~~l) — Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;~~
- ~~m) — Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on fresh water.~~

Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins

Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to:

- a) Safeguard the life supporting capacity of fresh water;
- b) Maintain good quality water, or enhance it where it has been degraded;
- c) Maintain or enhance bank stability;
- d) Maintain or enhance ecosystem health and indigenous biological diversity
- e) Maintain or enhance, as far as practicable:
 - i. Their natural functioning and character; and
 - ii. Amenity values;
- f) Control the adverse effects of pest species, prevent their introduction and reduce their spread; and,
- g) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion.

~~Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to achieve all of the following:~~

- ~~a) Maintain or enhance their natural functioning;~~
- ~~b) — Maintain good water quality, or enhance it where it has been degraded;~~
- ~~c) — Maintain or enhance ecosystem health and indigenous biological diversity;~~
- ~~d) — Maintain or enhance natural character;~~
- ~~e) — Maintain or enhance amenity values;~~



- f) ~~Control the adverse effects of pest species, prevent their introduction and reduce their spread;~~
- g) ~~Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;~~
- h) ~~Maintain or enhance bank stability.~~

Method 3: Regional Plans

Method 3.1.3, Method 3.1.13

Method 4: City and District Plans

Method 4.1.3, Method 4.1.15

Method 6 : Non RMA Strategies and Plans

Method 6.7

Policy 3.1.3 Water allocation and use

Manage the allocation and use of fresh water by undertaking all of the following:

- a) Recognising and providing for the social and economic benefits of sustainable water use;
- b) Avoiding over-allocation, and phasing out existing over-allocation, resulting from takes and discharges;
- c) Ensure Ensuring the efficient allocation and use of water by undertaking all of the following:
 - ai) Requiring that the volume of water allocated does not exceed what is necessary for its efficient use;
 - bii) Encouraging the development or upgrade of infrastructure that increases use efficiency; -
 - iii. Providing for temporary dewatering activities necessary for construction or maintenance.

Policy 3.1.4 Water shortage

Manage for water shortage by undertaking all of the following:

- a) Encouraging land management that improves moisture capture, infiltration, and soil moisture holding capacity.
- ~~ba)~~ Encouraging collective coordination and rationing of the take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction to optimise use of water available for taking;
- ~~cb)~~ Providing for Encouraging water harvesting and storage, subject to allocation limits and flow management, to reduce demand on water bodies during periods of low flows.

Policy 3.1.5 Coastal water

Manage coastal water to:

- a) Maintain coastal water quality or enhance it where it has been degraded;
- b) Maintain healthy coastal ecosystems, the range of indigenous habitats provided by the coastal marine area, and the migratory patterns of indigenous coastal water species or enhance these values where they have been degraded;
- c) Maintain or enhance important recreation values;



d) Maintain or enhance, as far as practicable:

i. Coastal values; and

ii. The habitats provided by the coastal marine area for trout and salmon unless detrimental to indigenous biological diversity.

e) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

~~Manage coastal water to achieve all of the following:~~

~~a) Maintain or enhance healthy coastal ecosystems;~~

~~b) Maintain or enhance the range of habitats provided by the coastal marine area, including the habitat of trout and salmon;~~

~~c) Recognise and provide for the migratory patterns of coastal water species unless detrimental to indigenous biological diversity;~~

~~d) Maintain coastal water quality or enhance it where it has been degraded;~~

~~e) Maintain or enhance coastal values;~~

~~f) Recognise and provide for important recreation values;~~

~~g) Control the adverse effects of pest species, prevent their introduction and reduce their spread.~~

Policy 3.1.7 Soil values

Safeguard the life-supporting capacity of soil and manage soil to:

a) Maintain or enhance as far as practicable

i. Soil biological diversity;

ii. Biological activity in soils;

iii. Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;

iv. Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;

v. Soil fertility where soil is used for primary production;

b) Where a) is not practicable, minimise adverse effects;

c) Recognise that urban and infrastructure development may result in loss of soil values.

d) Control the adverse effects of pest species, prevent their introduction and reduce their spread;

e) Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained.

~~Manage soils to achieve all of the following:~~

~~Maintain or enhance their life-supporting capacity;~~

~~a) Maintain or enhance soil biological diversity;~~

~~b) Maintain or enhance biological activity in soils;~~

~~c) Maintain or enhance soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;~~

~~d) Maintain or enhance soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;~~

~~Maintain or enhance soil fertility where soil is used for primary production;~~



- ~~g) — Maintain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained;~~
- ~~h) — Avoid the creation of contaminated land;~~
- ~~i) — Control the adverse effects of pest species, prevent their introduction and reduce their spread.~~

Policy 3.1.8 Soil erosion

Minimise soil erosion resulting from activities, by undertaking all of the following:

- a) *Using appropriate erosion controls and soil conservation methods;*
- b) *Maintaining vegetative cover on erosion prone land;*
- c) *Remediating land where significant soil erosion has occurred;*
- d) *Encouraging activities that enhance soil retention.*

Policy 3.1.9 Ecosystems and indigenous biological diversity

Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to:

- a) Maintain or enhance:
 - i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna;
 - ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;
- b) Maintain or enhance as far as practicable:
 - i. Areas of predominantly indigenous vegetation;
 - ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity;
 - iii. Areas buffering or linking ecosystems;
- c) Recognise and provide for:
 - i. Hydrological services, including the services provided by tall tussock grassland;
 - ii. Natural resources and processes that support indigenous biological diversity;
- d) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

~~Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to achieve all of the following:~~

- ~~a) — Maintain or enhance ecosystem health and indigenous biological diversity;~~
- ~~b) — Maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;~~
- ~~c) — Maintain or enhance areas of predominantly indigenous vegetation;~~
- ~~d) — Recognise and provide for important hydrological services, including the services provided by tussock grassland;~~
- ~~e) — Recognise and provide for natural resources and processes that support indigenous biological diversity;~~



- ~~f) — Maintain or enhance habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes;~~
- ~~g) — Control the adverse effects of pest species, prevent their introduction and reduce their spread.~~

Policy 3.1.10 Biodiversity in the coastal environment

Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

- a) Areas of predominantly indigenous vegetation in the coastal environment;
- b) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
- c) Indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
- d) Habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
- e) Habitats, including areas and routes, important to migratory species; and
- f) Ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Policy 3.1.1312 Environmental enhancement

Encourage, facilitate and support activities which that contribute to enhancing the resilience and enhancement of the natural environment, by one or more of the following where applicable:

- a) Improving water quality and quantity;
- b) Protecting or restoring habitat for indigenous species;
- c) Regenerating indigenous species;
- d) Mitigating natural hazards;
- e) Protecting or restoring wetlands;
- f) Improving the health and resilience of:
 - i. Ecosystems supporting indigenous biological diversity ;
 - ii. Important ecosystem services, including pollination;
- g) Improving access to rivers, lakes, wetlands and their margins, and the coast;
- h) Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;
- i) Controlling pest species.

Objective 3.2 Otago's significant and highly-valued natural resources are identified, and protected, or enhanced where degraded

Issue:

Otago has significant and highly-valued natural resources. These include outstanding natural features, landscapes, seascapes, indigenous biological diversity, water bodies and soil, which all have intrinsic value and help to create the region's Page 20 of 134 and support



These highly valued resources can become degraded if they are not adequately protected from inappropriate subdivision, use and development, and so deserve a greater degree of recognition.

Resource degradation can adversely affect the social, cultural and economic wellbeing of people and communities.

Policy 3.2.1 Identifying significant indigenous vegetation and habitats

Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 4.

Policy 3.2.2 Managing significant indigenous vegetation and habitats

Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) In the coastal environment, avoiding adverse effects on:
- i. The values that contribute to the area or habitat being significant;
 - ii. Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
 - iii. Taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
 - iv. Indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
 - v. Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - vi. Areas containing nationally significant examples of indigenous community types; and
 - vii. Areas set aside for full or partial protection of indigenous biological diversity under other legislation;
- ab) ~~Avoiding adverse effects on~~ Beyond the coastal environment, and in the coastal environment in significant areas not captured by a) above, maintaining those values that contribute to the area or habitat being significant;
- bc) ~~Avoiding significant adverse effects on other values of the area or habitat;~~
- de) ~~Remedying when other adverse effects cannot be avoided;~~
- ed) ~~Mitigating when other adverse effects cannot be avoided or remedied ;~~
- fe) ~~Encouraging enhancement of those areas and values which~~ that contribute to the area or habitat being significant;
- gf) ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.~~

Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance ~~and or~~ restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) In the coastal environment, avoiding adverse effects on the outstanding values of the natural feature, landscape or seascape;
- ba) ~~Avoiding adverse effects on~~ Beyond the coastal environment, maintaining those the outstanding values which contribute to the significance of the natural feature,



- ~~c)~~ Avoiding, remedying or mitigating other adverse effects ;
- ~~e)~~ ~~Recognising and providing for the positive contributions of existing introduced species to those values;~~
- ~~d)~~ ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;~~
- ~~de)~~ Encouraging enhancement of those areas and values which that contribute to the significance of the natural feature, landscape or seascape.

Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

~~Protect~~ Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) Avoiding significant adverse effects on those values which that contribute to the high value of the natural feature, landscape or seascape ;
- b) Avoiding, remedying or mitigating other adverse effects ;
- ~~e)~~ ~~Recognising and providing for positive contributions of existing introduced species to those values;~~
- ~~d)~~ ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;~~
- ~~ce)~~ Encouraging enhancement of those values which that contribute to the high value of the natural feature, landscape or seascape.

Policy 3.2.7 Landward extent of the coastal environment

Identify the landward extent of the coastal environment, recognising that the coastal environment ~~consists of one or more of the following~~ includes:

- a) The coastal marine area;
- b) Islands within the coastal marine area;
- c) Areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
- d) Areas at risk from coastal hazards;
- e) Coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- f) Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- g) Items of cultural and historic heritage in the coastal marine area or on the coast;
- h) Inter-related coastal marine and terrestrial systems, including the intertidal zone; and
- i) Physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Policy 3.2.8 Identifying high and outstanding natural character in the coastal environment

Identify areas and values of high and outstanding natural character in the coastal environment, ~~where one or more of the following attributes are met~~ which may include matters such as:

- a) Natural elements, processes and patterns;



- b) *Biophysical, ecological, geological and geomorphological aspects;*
- c) *Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks;*
- d) *The natural movement of water and sediment;*
- e) *The natural darkness of the night sky;*
- f) *Places or areas that are wild or scenic;*
- g) *A range of natural character from pristine to modified;*
- h) *Experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Method 2: Regional, City and District Council Relationships

Method 2.1, Method 2.2

Method 3: Regional Plans

Method 3.1.5

Method 4: City and District Plans

Method 4.1.23, Method 4.2.2

Method 5: Research, Monitoring and Reporting

Method 5.1.2 b.

Policy 3.2.9 Managing the outstanding natural character of the coastal environment

Preserve or enhance the outstanding natural character of the coastal environment, by all of the following:

- a) *Avoiding adverse effects on those values ~~which~~ that contribute to the outstanding natural character of an area;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment;*
- d) *Encouraging enhancement of those values ~~which~~ that contribute to the outstanding natural character of an area;*
- e) *Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.*

Policy 3.2.10 Managing the high natural character of the coastal environment

Preserve or enhance the high natural character of the coastal environment, by all of the following:

- a) *Avoiding significant adverse effects on those values ~~which~~ that contribute to the high natural character of an area;*
- b) *Avoiding, remedying or mitigating other adverse effects;*
- c) *Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment;*
- d) *Encouraging enhancement of those values ~~which~~ that contribute to the high natural character of an area;*
- e) *Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.*



Policy 3.2.13 Identifying outstanding freshwater bodies

Identify freshwater bodies where any one or more of the following significant values are outstanding:

- a) Naturalness ;
- b) Amenity or landscape values;
- c) Kāi Tahu cultural values;
- d) Recreational values;
- e) Ecological values;
- f) Hydrological values.

Policy 3.2.14 Managing outstanding freshwater bodies

Protect outstanding freshwater bodies by all of the following:

- a) ~~Avoiding~~ Maintaining the values that ~~significant adverse effects on those values which contribute to the water body being outstanding;~~
- b) Avoiding, remedying or mitigating other adverse effects on the water body ;
- c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- d) Encouraging enhancement of those values ~~which~~ that contribute to the water body being outstanding.

Policy 3.2.15 Identifying the significant values of wetlands

Identify the significant values of wetlands, having regard to all of the following:

- a) Degree of naturalness;
- b) Amenity or landscape values;
- c) Kāi Tahu cultural values;
- d) Recreational values;
- e) Ecological function and values;
- f) Hydrological function and values;
- g) Geomorphological features and values.

Policy 3.2.16 Managing the values of wetlands

Protect the function and values of wetlands by all of the following:

- a) ~~Avoiding significant adverse effects on~~ Maintaining the significant values of the wetlands;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- d) Encouraging enhancement ~~which~~ that contributes to the values of the wetland.
- e) Encouraging the rehabilitation of degraded wetlands.

Policy 3.2.17 Identifying significant soil

Identify areas of soil that are significant according to ~~one or more of~~ using the following criteria:



- a) Land classified as land use capability I, II and IIIe in accordance with the New Zealand Land Resource Inventory;
- b) Degree of significance for primary production;
- c) Significance for providing contaminant buffering or filtering services;
- d) Significance for providing water storage or flow retention services;
- e) Degree of rarity.

Policy 3.2.18 Managing significant soil

Protect Manage areas of significant soil , by all of the following:

- a) Maintaining those values which make the soil significant;
- ~~a) Avoiding significant adverse effects on those values which make the soil significant;~~
- ~~b) Avoiding, remedying or mitigating other adverse effects;~~
- ~~b)e) Recognising that loss of significant soil to urban development urban expansion on significant soils may occur in accordance with any future development strategy be appropriate due to location and proximity to existing urban development and infrastructure;~~
- ~~c)d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.~~

Method 3: Regional Plans

3.1.3 *Policies 3.1.1, ~~3.1.2,~~ and to 3.1.5, and Policies 4.3.3, 4.4.1 and 4.4.3:*

- a. *Manage land use and vegetation removal within the beds of lakes and rivers, wetlands, riparian areas, and in the coastal environment;*
- ~~b. In appropriate circumstances, provide for activities that have a functional need to be located in the beds of rivers, lakes, wetlands, and their margins.~~
- ~~c.b. Manage change in river morphology;~~
- ~~d.e. Encourage restoration of water margins;~~
- ~~e.d. Managing noise in the coastal marine area;~~
- ~~f.e. Identify freshwater management units that include all freshwater bodies in Otago in accordance with the National Policy Statement for Freshwater Management 2014;~~
- ~~g.f. Maintain good water quality and improve it where it is degraded.~~
- ~~h. Provide for resource users, people and communities that rely on fresh water within environmental limits;~~
- ~~i. Set limits and targets to give effect to the National Policy Statement for Freshwater Management 2014;~~

Method 4: City and District Plans

4.1.43 *Policies 3.1.2, 3.1.9 and 3.2.2: by including provisions to:*

- ~~a. Maintain or enhance ecosystems and biological diversity; and to~~
- ~~b. Protect significant indigenous vegetation and significant habitats of indigenous fauna;~~
- ~~c. Control the clearance or modification of indigenous vegetation and habitats of indigenous fauna;~~



4.1.15 Policy 3.1.2, 4.3.3, 4.4.1 and 4.4.3: by providing, in appropriate circumstances, for activities that have a functional need to be located in the beds of rivers, lakes, wetlands, and their margins.

Schedule 3 Criteria for the identification of outstanding natural features, landscapes and seascapes, and highly valued natural features, landscapes and seascapes

The identification of natural features, landscapes and seascapes will ~~be based on, but not limited to,~~ have regard to the following criteria:

-
- | | |
|---------------------------|--|
| 1. Biophysical attributes | a. Natural science factors, including geological, topographical, ecological and dynamic components |
| | b. The presence of water including in seas, lakes, rivers and streams |
| | c. Vegetation (native and exotic) |
-
- | | |
|-----------------------|---|
| 2. Sensory attributes | a. Legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes |
| | b. <u>Amenity Aesthetic</u> values including memorability and naturalness |
| | c. Transient values including presence of wildlife or other values at certain times of the day or year |
| | d. Wild or scenic values |
-
- | | |
|---------------------------|---|
| 3. Associative attributes | a. Whether the values are shared and recognised |
| | b. Cultural and spiritual values for Kāi Tahu, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features |
| | c. Historical and heritage associations |
-

Schedule 4 Criteria for the identification of areas of significant indigenous vegetation and habitat of indigenous fauna

The identification of areas of significant indigenous vegetation and habitat of indigenous fauna are assessed against all of the following criteria. Areas will be considered significant where they meet one or more of the following criteria.

-
- | | |
|-----------------------|---|
| 1. Representativeness | An area that is an example of an indigenous vegetation type or habitat that is typical or characteristic of the natural diversity of the relevant ecological district <u>or coastal marine biogeographic region</u> . This may include degraded examples of their type or represent all that remains of indigenous vegetation and habitats of indigenous fauna in some areas. |
|-----------------------|---|
-



2. <i>Rarity</i>	<p>An area that supports:</p> <ol style="list-style-type: none"> An indigenous species that is threatened, at risk, or uncommon, nationally or within an ecological district or coastal marine biogeographic region; Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district, coastal marine biogeographic region or freshwater environment including wetlands; Indigenous vegetation and habitats within originally rare ecosystems.
3. <i>Diversity</i>	<p>An area that supports a high diversity of indigenous ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients. vegetation and habitats of indigenous fauna or consists of a diverse range or sequence of interrelated vegetation and habitat types. The degree of diversity should be referenced to specific communities i.e. levels of diversity varying significantly between communities and habitat types.</p>
4. <i>Distinctiveness</i>	<p>An area that supports or provides habitat for:</p> <ol style="list-style-type: none"> Indigenous species at their distributional limit within Otago or nationally; Indigenous species that are endemic to the Otago region; Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors.
5. <i>Ecological Context</i>	<p>The relationship of the area with its surroundings, including:</p> <ol style="list-style-type: none"> An area that has important connectivity value allowing dispersal of indigenous vegetation and fauna between different areas; An important buffering function that helps to protect the values of an adjacent area or feature; An area that is important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, nesting, breeding, or refuges from predation.
6. <i>Coastal Environment</i>	<p>An area identified in accordance with Policy 11 of the NZCPS.</p>

This schedule applies to indigenous vegetation and habitat of indigenous fauna in the terrestrial, coastal and marine environments.

The Regional Council holds additional information to inform decision making on these criteria including the rationale for criteria and examples of areas representing these criteria.



SCHEDULE B

Method 2.1.3

2.1 *Regional, city and district councils together will:*

2.1.3 Apply an integrated management approach to address the relationship between land use and both fresh and coastal water.

Method 2.2.3

2.2 *Regional, city and district councils may:*

2.2.3 *Delegate or transfer any one or more of their functions, powers or duties from one local authority to another in accordance with section 33 of the RMA; and where this provides an efficient and effective service.*

Method 3.1.3

Objectives, policies and methods to implement the following policies:

3.1.3 *Policies 3.1.1, ~~3.1.2,~~ and to 3.1.5, and Policies 4.3.3, 4.4.1 and 4.4.3:*

- a. *Manage land use and vegetation removal within the beds of lakes and rivers, wetlands, riparian areas, and in the coastal environment;*
- b. *In appropriate circumstances, provide for activities that have a functional need to be located in the beds of rivers, lakes, wetlands, and their margins.*
- ~~c.~~*b. Manage change in river morphology;*
- ~~d.~~*e. Encourage restoration of water margins;*
- ~~e.~~*d. Managing noise in the coastal marine area;*
- ~~f.~~*e. Identify freshwater management units that include all freshwater bodies in Otago in accordance with the National Policy Statement for Freshwater Management 2014;*
- ~~g.~~*f. Maintain good water quality and improve it where it is degraded.*
- ~~h.~~*Provide for resource users, people and communities that rely on fresh water within environmental limits;*
- ~~i.~~*Set limits and targets to give effect to the National Policy Statement for Freshwater Management 2014;*

Method 4.1.4

Objectives, policies and methods to implement the following policies:

4.1.43 *Policies 3.1.2, 3.1.9 and 3.2.2: by including provisions to:*

- a. ~~m~~*Maintain or enhance ecosystems and biological diversity; and*
~~te~~
- b. ~~p~~*Protect significant indigenous vegetation and significant habitats of indigenous fauna; ;*
- c. *Control the clearance or modification of indigenous vegetation and habitats of indigenous fauna;*

Method 4.2.4

4.1 *Implementing district plans.*



- 4.2.4 Policies 4.5.1, 4.5.2, and 5.3.1 : by preparing or requiring structure plans for large scale land use changes, including subdivision;

Method 5.2.2

5.2 Research

5.2.2 Regional, city and district councils together will:

- a. Research and share information relevant to the effects of land use on water, including:
 - i. The values supported by the catchment;
 - ii. Riparian vegetation cover or any land cover ~~which~~ that contributes to supporting freshwater values, such as tussock grasslands;
 - iii. Land use changes which might have significant effects on freshwater values;
 - iv. Areas particularly sensitive to land use changes, such as sensitive aquifers and water-short catchments;
 - v. The effects of land use on erosion;
- b. Research and share information relevant to the effects of land use on:
 - i. Coastal network infrastructure;
 - ii. Coastal values;
 - iii. Coastal hazards;
 - iv. Riparian vegetation cover or any land cover ~~which~~ that contributes to supporting coastal values, or mitigating coastal hazards;
 - v. Areas particularly sensitive to land use changes.

Method 6.5.1

6.5 Pest management strategy

6.5.1 The regional council will:

- a. Develop and implement a Pest Management Strategy for the control of pest species including those which:
 - i. Have adverse effects on the natural character of the coastal environment;
 - ii. Have adverse effects on significant indigenous biological diversity;
 - iii. Have significant adverse effects on indigenous biological diversity;
 - iv. Have adverse effects on outstanding natural features, landscapes, seascapes and highly valued natural features, landscapes and seascapes.
 - v. Have propensity for spread, including wilding trees.
- b. Have regard to indigenous biological diversity when preparing any Regional Pest Management Strategy and prioritising pest management activities, including:
 - i. Any areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - ii. Any local indigenous biological diversity strategies.

Method 9.2.1

9.2 Facilitation

- 9.2.1 Regional, city and district councils ~~will~~ may facilitate the restoration of natural wetlands or construction of artificial wetlands, particularly where they contribute to the:



- a. Management of diffuse discharges to water;
- b. Protection or restoration of indigenous species;
- c. Mitigation of natural hazards;
- d. Restoration of the natural character of wetlands.

Method 9.2.2

9.2.2 Regional, city and district councils ~~will~~ may facilitate the restoration or enhancement of riparian margins, particularly when they:

- a. Improve the health and resilience of ecosystems supporting indigenous biological diversity;
- b. Restore or rehabilitate indigenous biological diversity and natural character;
- c. Encourage the natural regeneration of habitats, including habitats for indigenous species.
- d. Contribute to a safe network of active transport infrastructure;
- e. Improve access to rivers, lakes, wetlands and their margins;
- f. Mitigate risks of erosion.

Method 9.2.3

9.2.3 Regional, city and district councils ~~will~~ may facilitate initiatives that support:

- a. Community-based development of strategies and plans to maximise community, ecosystem and natural resource resilience at a scale sufficient for those natural and physical resources;
- ba. The conservation of indigenous vegetation;
- cb. Conservation of biological diversity;
- de. Maintenance or enhancement of coastal values, including restoration or rehabilitation of the natural character;
- ed. The protection or restoration of the significant values of wetlands;
- fe. Co-ordination of the services provided by operators of lifeline utilities, essential and emergency services across and beyond Otago;
- gf. Energy conservation and efficiency, at a community or individual scale;
- hg. Small scale renewable electricity generation;

Method 9.2.4

9.2.4 Regional, city and district councils ~~will~~ may facilitate coordination between lifeline utilities for emergency management, including by:

- a. Recognising the interconnections between lifeline utilities;
- b. Encouraging any development or upgrade of infrastructure which would resolve potential weaknesses in emergency management.



Biodiversity Offsets *Measurable conservation outcomes resulting from actions designed to compensate for residual adverse biodiversity impacts arising from project development after appropriate avoidance, minimisation, remediation and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground.*

No net loss *In the context of biodiversity offsets, means no net loss with respect to:*

- a) Species abundance, population structure, and composition (e.g. individual species or species groups)*
- b) Habitat structure (e.g. vegetation tiers, vegetation pattern)*
- c) Ecosystem function (e.g. nutrient cycling rates)*
- d) People's use of and cultural values associated with biodiversity (e.g. particularly valued habitats or species).*

Wetland *Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.*

In this Regional Policy Statement, 'wetland' excludes any wetland constructed for the purpose of water quality management



• Navigational Bylaw Hearing Panel – Deliberation Report

BACKGROUND

- Following public consultation and hearing panel process Council are invited to approve the attached Navigational Bylaws.
- Consultation has been undertaken through the Special consultative procedure within the LGA (83). It is proposed that the bylaws would become legal as of the 1st May 2019.
- We received 38 submissions, of which 18 persons stated that they would like to be heard at a hearing. Following the submissions, the Harbourmaster, along with Navigatus (consultants) and the marine team at Port Otago, analysed the feedback and adjusted the draft bylaws as appropriate and supplied this document to the hearing panel. This document was sent to all submitters wishing to be heard. Only 3 submitters wished to be heard at the hearing.
- The hearing panel was convened on the 13th April and heard all three submitters, the panel adjourned and then reconvened on the 21st April following a review of the technical detail and input from the harbourmaster, Navigatus and Port Otago Ltd.

DISCUSSION

- The most significant amendments made to the draft bylaw were to bylaw 8 - the wearing of lifejackets in vessels up to 9m. The majority of submitters commented on this and all who submitted were of the opinion ORC should remain consistent with the national rule, compulsory wearing and carriage of lifejackets in boats 6m and under.
- Bylaw 11 as proposed had significant feedback and following a small alteration in the wording has been widely accepted. A full interpretation of "Accident" has been added, this is more consistent with other detail we have in this section and with other regional bylaws. This also clearly states what a reported accident is.
- Following the submission phase bylaw 5(3) has been added. Kill cords are an important safety factor aboard small vessels. Dunedin had an incident where the use of a kill cord would likely have prevented a harmful outcome and there have been fatalities internationally that could have been avoided with the proper use of a kill cord. The panel feels that this is an appropriate step to take and is an initial starting point to raise the profile on this issue.
- Bylaw 21 has been added, following consultation with Department of Conservation. This is their standard wording for guidance on marine mammals and gives us the opportunity to support and educate water users when this occurs within our region.
- Bylaw 23 has been restructured, the wording removed related to RMA/Coastal permit issues and navigational issues.
- Bylaw 25 has been simplified. The original requirement for a 4000m zone will be moved to Harbourmaster directions as this only relates to two large vessels when travelling in the same direction. This is a more appropriate place for this to sit.

Recommendation

The hearing panel recommends that council adopt the navigational bylaw as per document attached.

Hearing panel - Cr Bryan Scott (Chair) Cr Ella Lawton Lyndon Cleaver Harbourmaster Southland

Signed on behalf of the Hearing panel  Cr Bryan Scott Date 26/3/19

OTAGO REGIONAL COUNCIL NAVIGATION SAFETY BYLAW 2019



That pursuant to section 33M of the Maritime Transport Act 1994 and the Local Government Act 2002, the Otago Regional Council resolves that the Navigation Safety Bylaw 2019 adopted on 3rd April 2019, is hereby confirmed, and shall come into force on 1 May 2019.

The common seal of the Otago Regional Council was hereunto affixed on 3rd April 2019 in the presence of:

Councillor (Might be the Chairman)

Councillor

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Part 1. Preliminary Provisions

1. Title and commencement

- 1) This Bylaw is the Otago Regional Council Navigation Safety **Bylaw 2019**.
- 2) This Bylaw comes into force on **01 May 2019**.

2. Application

- 1) This Bylaw applies to all waters in the Otago Region including the territorial sea and all inland waters apart from:
 - (a) The navigable waters in the Queenstown Lakes District Council area, which are administered by that council as shown in Appendix A.
 - (b) Lake Dunstan and the Kawarau River which are administered by Central Otago District Council as shown in Appendix B.

3. Interpretation

- 1) In this Bylaw, unless the context otherwise requires:

“Accident” means an occurrence that involves a vessel and in which

- a) a person is seriously harmed as a result of -
 - i. being on the vessel or
 - ii. direct contact with any part of the vessel, including any part that has become detached from the vessel, or
 - iii. direct exposure to the was of the vessel or interaction (other than direct contact) between two vessels; or
 - iv. being involved in the salvage of any vessel, except where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside areas normally available to passengers and crew: or
- b) the vessel sustains damage or structural failure that: -
 - i. adversely affects the structural strength, performance, or seaworthiness of the vessel or
 - ii. would normally require major repair or replacement of the affected component; or
 - iii. poses a threat to the safety of people on board the vessel or
- c) there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the vessel:
- d) there is a loss of, or damage to, or movement of, or change in the state of the cargo if the vessel which poses a risk to the vessel or other vessels or
- e) there is a significant loss of, or significant damage to, property (not being the cargo carried by the vessel) or the property of any person (whether or not on board the vessel), whether or not the loss or damage arises from an interaction between two vessels or
- f) there is a loss or escape of any substance or thing that
 - i. may result or has resulted in serious harm to any person or
 - ii. may pose a risk, or has resulted in damage to the vessel or other vessels or

- iii. may pose a risk, or has resulted in any damage to any property (whether or not on board the vessel): or
- g) a person is lost overboard (whether or not subsequently found), or is missing or
- h) the vessel is foundering, capsizing or being abandoned, stranded or been in a collision, or has a minor fire on board

“**Act**” means the Maritime Transport Act 1994.

“**Access Lane**” means an area declared as an access lane under clause 19.

“**Anchoring**” means the temporary securing of a vessel to the bed of the waterway by means of an anchor, cable or other device, that is normally retrieved from the water and stored on the vessel on departure.

“**Beacon**” means an aid to navigation identified with a beacon symbol as shown on Land Information New Zealand Chart 6612 Otago Harbour. Beacon numbers are as shown on Chart 6612.

“**Council**” means the Otago Regional Council.

“**Commercial Port Area**” means areas defined as a Coastal Development Area or a Coastal Harbourside Area in the Regional Coastal Plan for the Otago and Oamaru Harbours as shown in the maps in Appendix C and Appendix G.

“**Competent Person**” when used in relation to the inspection and/or maintenance of moorings means a person or organisation who has demonstrated to the satisfaction of the Harbourmaster that they are suitably experienced and/or qualified to undertake inspections and/or maintenance of moorings.

“**Enforcement Officer**” means a person appointed by Council under section 33G of the Act.

“**Flag A**” means flag A of the International Code of Signals (the divers flag) being a swallow tailed flag, or a rigid equivalent, coloured in white and blue with white to the mast, of not less than 600mm by 600mm.

“**Flag B**” means the flag B of the International Code of Signals being a swallow tailed flag, or a rigid equivalent, coloured in red of not less than 600mm by 600mm.

“**Dunedin Wharves**” means the Commercial Port Area of Otago Harbour at Dunedin located west of beacon 67.

“**Halfway Islands Safety Zone**” means the area identified in Appendix F.

“**Harbour Area**” means Otago Harbour or Oamaru Harbour.

“**Harbour Control**” means the Otago Harbour vessel traffic control centre operated by Port Otago Limited.

Explanatory note: Harbour Control is staffed at all times and may be contacted on VHF Channel 14. Alternative contact information for Harbour Control; Telephone: 472 9882; Email: harbourcontrol@portotago.co.nz.

“**Harbourmaster**” has the same meaning as in section 2 of the Act.

“**Incident**” means any occurrence, other than an accident, that is associated with the operation of a vessel and affects or could affect the safety of operation.

“**Lake Waihola**” means the lake area shown in Appendix H.

“Landing Place” means a wharf, jetty, dock, quay, landing, pile mooring, pier, pontoon, boat ramp, slipway or other facility, where vessels can be or may be moored, launched or retrieved, but does not include a mooring.

“Large Vessel” means any vessel 40 metres or greater in Length Overall, or 500 gross tonnage or greater. If a tug and tow or composite vessel, gross tonnage shall be the sum of gross tonnage for all of the connected vessels.

“Length Overall” has the same meaning as ‘length overall’ as defined in Maritime Rule Part 40C. If a tug and tow, Length Overall shall be the combination of the tug and object(s) towed but not the length of the towing medium.

Explanatory note: Maritime Rule Part 40C defines length overall as “the length of the ship measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the ship. Fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) projecting beyond these terminal points must not be included in the length overall. Structures (such as bulbous bows, deckhouses, free flooding bait tanks and buoyancy tubing) projecting beyond these terminal points must be included in the length overall ...”.

Explanatory note: The Advisory Circular to Maritime Rule Part 40A has further guidance and interpretation of this definition.

“Local Notice to Mariners” means a notice related to maritime safety in Otago which is available to the public from the Council website.

“Marine Mammal” has the same meaning as in Section 2 of the Marine Mammal Protection Act.

“Manoeuvre” means actions that change the direction of a vessel.

“Master” means any person (except a pilot) having command or charge of any ship.

“Medium Vessel” means any vessel more than 15 metres but less than 40 metres in Length Overall and under 500 gross tonnage.

“Mishap” means an event that—

- (a) causes any person to be harmed; or
- (b) in different circumstances, might have caused any person to be harmed.

“Mooring” means any weight or article placed in or on the foreshore or seabed or the bed of a water body for the purpose of securing a vessel, raft, aircraft, or floating structure, and includes any wire, rope, buoy, or other device attached or connected to the weight, but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.

“Mooring Area” means an area, where vessel moorings may be placed, identified by the Council as a mooring area in the Regional Coastal Plan.

“Moving Prohibited Zone (MPZ)” means the space of water in the Otago Harbour Shipping Channel extending:

- a) For a Large Vessel, 100 metres astern and 100 metres to each side of the vessel, and continued at such width to 1,000 metres ahead when that vessel is underway.
- b) For a tug in attendance of a large vessel, 100 metres all around the tug, in addition to the MPZ around the large vessel.

“Navigable” means able to be navigated by a vessel on, through, over or under the water.

“Navigational Channel” means the Otago Harbour Shipping Channel, or the principal access to any other harbour area, or the principal navigational channel of an inland water.

“Oamaru Harbour” means the Commercial Port Area located at Oamaru as shown in Appendix G.

“Otago Harbour” means the area comprising all waters enclosed by a line from Trig at Heyward Point then bearing 20 degrees for three nautical miles then bearing 126 degrees for 1.75 nautical miles then bearing 200 degrees for 3 nautical miles to Howletts Point, as published in the New Zealand Gazette Vol II July 1930 p.2233 and p.2234.

“Otago Harbour Shipping Channel (OHSC)” means the marked channel extending through Otago Harbour from the Fairway Beacon at the Channel Entrance through the gap between the Halfway Islands (Goat Island and Quarantine Island) to a line extending due south of Beacon 67 at the Dunedin Wharves.

“Otago Region” means the area to which this Bylaw applies as listed in clause 2 of this Bylaw and shown in Part 6 (the map).

“Owner”:

- (a) when used in relation to any vessel, has the same meaning as in the Act
- (b) when used in relation to any landing place, means the person holding a coastal permit under the Resource Management Act 1991 for the landing place and shall include a lessee of the landing place
- (c) when used in relation to Port Areas of Otago Harbour means Port Otago Limited
- (d) when used in relation to Commercial Port Areas of Oamaru Harbour means the Waitaki District Council, or a port company established by the Waitaki District Council.

“Personal Flotation Device” means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting

- (a) type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or
- (b) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005:

“Personal Water Craft” means a power-driven vessel that—

- (a) has a fully enclosed hull; and
- (b) does not take on water if capsized; and
- (c) is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it

“Pilot” means any person, not being the master or a member of the crew of the ship, who has the conduct of the ship.

“Pleasure Craft” means

- (a) a vessel that is not offered or used for hire or reward, and is used exclusively for—
 - (i) the owner’s pleasure or as the owner’s residence; or
 - (ii) recreational purposes by—
 - (A) the members of a club that owns the vessel:

- (B) the beneficiaries of a trust that owns the vessel:
 - (C) the members of an incorporated society that owns the vessel; but
- (b) excludes a vessel that is—
- (i) provided for transport, sport, or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or other establishment or business:
 - (ii) used on a voyage for pleasure if the vessel is normally used, or intended to be normally used, as a fishing vessel or for the carriage of passengers or cargo for hire or reward:
 - (iii) operated or provided by—
 - (A) a club, incorporated society, or trust for non-recreational purposes; or
 - (B) a business

“Port Company” has the same meaning as “port company” in the Port Companies Act 1988.

“Power-driven vessel” means any vessel propelled by machinery.

“Regional Coastal Plan” means the Council’s Regional Plan: Coast for Otago.

“Reserved Area” means an area declared as being reserved for a specified maritime safety purpose under Maritime Rules Part 91 or clause 19 of this Bylaw.

Explanatory note: For the avoidance of doubt the only reserved areas in the Otago Region having legal status are those authorised under this Bylaw. All reserved areas authorised by previous bylaws, rules, or regulations made under any act have been revoked by this bylaw (or a previous bylaw) and have no effect or legal status.

“Restricted Visibility” means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or other similar causes.

“River” includes a stream and any natural, modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides:

“Sailboard” means any type of board including a windsurfer or kiteboard that is propelled by any type of sail and intended to be navigated by a person standing upright on the board.

“Ship” has the same meaning as Vessel.

“Shore” when referring to distance from shore, means distance from the water’s edge.

“Speed” means

- (a) On the sea or lakes the speed through the water; or
- (b) On rivers and estuaries, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.

“Small Vessel” means any vessel 15 metres or less in Length Overall.

“Special Speed Zone (SSZ)” means an area of water where the speed limit has been set under clause 18 of this Bylaw.

Explanatory note: Under Maritime Rule Part 91 speed limits are generally 5 knots within 200m of shore or a structure, and within 50m of a person in the water.

“Specified MPZ” means a Moving Prohibited Zone specified for any vessel by the Harbourmaster in accordance with clause 25(4) of this bylaw.

“Support Vessel” means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.

Explanatory note: For the sake of clarity, this definition relates to recreational and sporting activities and does not include port company vessels engaged in normal port operations.

“Surfboard” means any type of board that is used for surf riding.

“Territorial Sea” means the territorial sea of New Zealand which comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 and 6A of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.

“Underway” means a vessel not at anchor, or made fast to the shore, or aground.

“Unseaworthy” means, in the opinion of the Harbourmaster not being in a fit condition or readiness to navigate safely on the water.

“Vessel” means every description of ship, boat or craft used in navigation, whether or not is has any means of propulsion; and includes—

- a) a barge, lighter, or other like vessel:
- b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- c) a submarine or other submersible:
- d) a seaplane while it is on the surface of the water.
- e) and shall include but is not limited to, a sledge, surfboard, sailboard, stand-up paddle board, raft, personal water craft or any other object intended or used to carry or support a person in or on the water.

“VHF” means maritime very high frequency two-way radio on channels in the frequency range between 30 MHz and 300 MHz.

“Waters” means

- (a) all the sea area including in estuaries, inlets or harbours and coastal waters, the outer boundary being the seaward limit of the territorial sea and the inner boundary being the water’s edge; and
- (b) all inland navigable waters of the Region.

Explanatory note: The seaward limit of the territorial sea is approximately 12 nautical miles from shore, the exact limits may be found on the Land Information New Zealand (LINZ) website. Inland waters includes all rivers lakes and ponds regardless of whether or not they are accessible to the general public.

“Water Skiing” means being towed barefoot or on an object of any kind other than a vessel.

- 2) To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, Maritime Rules, rules in any District or Regional Plan and rules of law.
- 3) Unless the context requires another meaning, a term or expression that is defined in the Act or a Maritime Rule and used in this Bylaw, but not defined, has the meaning given by the Act or Maritime Rule.
- 4) Any explanatory notes are for information purposes only and do not form part of this Bylaw, and may be made, amended and revoked without formality.

4. Revocation

- (1) This Bylaw revokes all existing speed uplifts or increases and restricted areas in the Otago Region previously authorised by the Otago Regional Council or its predecessors.

Part 2. General Navigation Safety Requirements

5. Person in charge of the vessel

- 1) The person in charge of a vessel is responsible for the safety and wellbeing of every person on board and for the safe operation of the vessel.
- 2) No vessel owner shall permit the vessel to leave the shore or any anchorage or mooring unless a person in charge of the vessel has been nominated.
- 3) Any person in charge of a vessel fitted with a kill cord must ensure that the kill cord is fitted correctly at all times whilst underway.

6. Carriage of personal flotation devices

- 1) A person in charge of a pleasure craft must not operate it unless there are sufficient personal flotation devices for each person on board at all times that the vessel is underway.
- 2) Personal flotation devices must be:
 - a) in a readily accessible location on board the vessel;
 - b) of an appropriate size for each person on board;
 - c) an appropriate type for the activity being undertaken; and
 - d) in good operative condition.

7. Exemptions to the compulsory carriage of personal flotation devices

- 1) Clause 6 does not apply to:
 - (a) any person on a surfboard or stand up paddle board when the board is attached to the person by means of a tether;
 - (b) any sailboard activity, if a wetsuit is worn at all times;
 - (c) a diver on a vessel of 6 metres length or less that is used for recreational diving within five nautical miles of shore, when a full body wetsuit is worn at all times;
 - (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with a safety system approved by the Harbourmaster.

Explanatory note: The Harbourmaster may approve a sporting organisation if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.

- (e) a sporting event, training activity, ceremonial or other authorised customary event if:
 - (i) a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the vessel and the vessel and support vessel in combination carry personal flotation devices or buoyancy aids of an appropriate type and size for every person on board in the event of any danger to the health and safety of occupants of the vessel; or
 - (ii) the Harbourmaster has approved a prior written exemption.

Explanatory note: The Harbourmaster may approve an exemption for a specified period if satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

8. Wearing of personal flotation devices on vessels

- 1) Every person on board vessels 6 metres or less length overall must wear a properly secured personal flotation device of an appropriate size for that person at all times.
- 2) Subclause (1) does not apply if the person in charge of the vessel, after assessing all circumstances and determining there would be no reduction in safety, expressly authorises any person on board to not wear a personal flotation device.
- 3) Subclause (1) does not apply to a person who is below deck of the vessel unless expressly instructed to wear a personal flotation device by the person in charge of the vessel.
- 4) All persons must wear a properly secured personal flotation device of an appropriate size for that person when:
 - (a) in circumstances where tides, river flows, visibility, rough seas, adverse weather, when crossing a bar, in emergencies, or other situations that may cause danger or a risk to the safety of persons on board, or;
 - (b) being towed by a vessel.
- 5) Explanatory note: circumstances and activities that could result in people inadvertently being in the water includes the activity being undertaken by a person, the type of vessel, the activity the vessel is engaged in, adverse weather or sea conditions, and other nearby vessel activity that could result in collision. A person must wear and secure a suitable personal flotation device whilst on a vessel if instructed to do so by the Harbourmaster.

9. Minimum age for operating power-driven vessels

- 1) No person under the age of 15 years shall be in charge of, or navigate, a power-driven vessel that is capable of a speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- 2) The person in charge of a power-driven vessel that is capable of a speed exceeding 10 knots must not allow any person who is under the age of 15 years to navigate that vessel in contravention of subclause (1).
- 3) Subclause (1) does not apply to any person who has a written approval from the Harbourmaster. Written approvals may be given for training, competitions or other sporting events, and the Harbourmaster, when considering whether or not to grant such an approval, shall have regard to the competence of the person, the level of supervision, and awareness of other relevant navigation safety matters.

10. Navigation on rivers

- 1) A person in charge of a vessel on a river must:
 - a) Ensure that the vessel keeps to the starboard side of the navigable channel where safe and practicable; and
 - b) When going upstream, give way to any vessel coming downstream; and
 - c) Not navigate the vessel unless it is safe to do so and weather conditions are considered to permit safe navigation of the vessel; and
 - d) Not exceed a speed of 5 knots on any river unless in an area designated as a SSZ, or a Reserved Area or an Access Lane.

Explanatory note for subclause 1)c): For example, not navigate immediately downstream of dams that are spilling.

11. Fishing or swimming or diving around landing places

- 1) No person shall fish, jump, dive or swim:
 - a) From, or within 50 metres from, a landing place in a manner that interferes with the berthing or departure of any vessel, or
 - b) In Commercial Port Areas without the permission of the owner and shall comply with all conditions of that permission, or
- 2) Subclause (1) does not apply to activities conducted by, on behalf of, or approved by a marine facility owner within the relevant Commercial Port Area.

12. Obstructions that may constitute or become a danger to maritime safety

- 1) No person may place any obstruction, including any fishing apparatus, in any waters that is likely to—
 - (a) restrict navigation; or
 - (b) cause injury or death to any person; or
 - (c) cause damage to any vessel or any property.

13. Vessels to be adequately secured

- 1) The person in charge of a vessel must ensure that it is securely anchored or moored, and secured while left unattended.
- 2) In securing the vessel, the person in charge of the vessel must only use rope, chain or other means of anchoring or mooring a vessel that is fit for purpose.
- 3) No person shall secure a vessel to any post, wharf, ring, fender, buoy or any other structure not fit for that purpose.
- 4) No person shall leave any vessel or other property in a place where it may create a navigation hazard or nuisance where it may interfere with the normal use of the waters by other persons.
- 5) No person shall set a vessel adrift or interfere with her moorings or fastening.

14. Vessels to be seaworthy

- 1) No person shall navigate any vessel in circumstances where the vessel is unseaworthy, except to remove the vessel from the water or to move it to a safe area.

15. Vessels to be identified

- 1) No person shall navigate a Personal Water Craft or other craft 6m or more length overall unless it displays an identifying name or number displayed above the waterline on each side of the vessel.
- 2) The identifying name or number shall;
 - (a) consist of letters of the Roman alphabet or numbers that are not the vessel's brand, make or model; and
 - (b) be unique to that vessel; and

- (c) unless complying with the requirements of an organisation listed in subclause (2)(a), be a minimum height of 90 millimetres and be readable to the naked eye by day from a distance of at least 50 metres.
- 3) The identifying name or number referred to in subclause (1) shall be:
- a) a registration or identification approved by and conforming to the requirements of:
 - (i) Maritime New Zealand (MNZ) or an equivalent foreign authority (e.g. a MNZ number or vessel's registered name); or
 - (ii) A sporting body as may be approved from time to time by the Harbourmaster and listed on the Council's website; or
 - b) the vessel's radio call sign; or
 - c) for any trailer borne vessel without a registration or identification listed in subclauses (a) or (b), the registration number of its trailer; or
 - d) for non-trailer borne vessels, an identifying name or number otherwise complying with the requirements of subclause (1), or
 - e) for sail vessels the identifying name or number may be the vessel's sail number.
- 4) Other vessels under 6m length shall be marked with the current owner's name and contact details somewhere on the vessel.

Explanatory note: For the sake of clarity, "trailer borne vessel" refers to a vessel transported on a road-going trailer that is, or is required to be, registered. It does not include vessels stored on/launched from haul-out trailers – such vessels fall into the "non-trailer borne vessel" category.

16. Navigational aids

- 1) No person shall erect, maintain or display any sign, beacon, light, mark, buoy or other device that has the characteristics of a navigational aid and/or which may be used or mistaken as a navigational aid or warning, without the prior written approval from the Harbourmaster.

Explanatory note: Approval from the Director of Maritime New Zealand may be required as well.

Part 3. Speed Limits, Reserved Areas and Access Lanes

17. General speed limits

- 1) No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a speed exceeding 5 knots:
 - a) within 50 metres of any other vessel, raft, or person in the water; or
 - b) within 200 metres of the shore or of any structure; or
 - c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (divers flag).
- 2) No person may propel or navigate a powered vessel at a speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.
- 3) No person may cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) at a speed exceeding 5 knots in any circumstances specified in subclause (1).
- 4) No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.
- 5) Subclause (1) (a) shall not apply to:
 - a) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this subclause; or
 - b) any vessels while participating in a yacht race or training administered by—
 - (i) a club affiliated to Yachting New Zealand; or
 - (ii) a non profit organisation involved in sail training or racing; or
 - c) a craft training for or participating in competitive rowing or paddling; or
 - d) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or
 - e) a vessel operating in accordance with a Special Speed Zone established under Clause 18 of this Bylaw.
- 6) Subclause (1)(b) shall not apply to:
 - a) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared, unless, in the case of a reserved area, a navigation bylaw provides otherwise; or
 - b) a vessel operating in accordance with Special Speed Zone established under Clause 18 of this Bylaw, or
 - c) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or

- d) a craft training for or participating in competitive rowing or paddling; or
- e) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with this clause.

Exemption:

- 7) Vessels shall be exempt from compliance with the general speed limit specified in Clause 17 (1)b) provided that navigation is conducted in a safe manner and is authorised by
 - a) an approval to use SSZs pursuant to clause 18 (2) of this Bylaw provided that the vessel speed does not exceed the specified maximum speed for the vessel concerned in that SSZ; or
 - b) a Reserved Area or Access Lane pursuant to clause 19 of this Bylaw; or
 - c) the Harbourmaster for specific vessels.

Requirement for safe and considerate navigation:

- 8) No person is permitted by any provision of this Bylaw or any Maritime Rule to navigate a vessel in a manner that is likely to endanger any person or vessel.

Wake and Drawoff:

- 9) No person may operate a power-driven vessel at a speed or in a manner that any wake or draw-off endangers persons or property.

Speed over bars

- 10) The person in charge of a vessel may navigate a vessel at any speed required to enable the safe crossing of a river mouth bar.

18. Special Speed Zone (SSZ)

- 1) Each of the waters shown in Appendix E is declared under this bylaw as a Special Speed Zone (SSZ).
- 2) An approval to use an SSZ identified in any controls specified by the Harbourmaster under this Bylaw, is approved for all persons from the date of commencement of the Bylaw for the period in which the Bylaw remains in force except where approval is restricted or revoked under either subclause (3) or subclause (4).

Ability to restrict or revoke approval to use SSZs

- 3) The Harbourmaster may at any time restrict or revoke an approval given under subclause (2) in relation to any person if that person is, in the opinion of the Harbourmaster:
 - a) Using the SSZs in an unsafe manner;
 - b) In breach of the Bylaw in a manner that justifies restriction or revocation of the person's approval to use the SSZs.

Harbourmaster may restrict use of SSZ

- 4) The Harbourmaster may at any time restrict the use of an SSZ to any degree the Harbourmaster sees fit, for a period of up to one year, if the Harbourmaster is of the opinion that the SSZ is not safe or that such restriction is necessary for a special event.

Explanatory note: Changes to the extent and permitted use of any SSZ will be posted on the ORC website in advance of any change.

19. Reserved Areas and Access Lanes

- 1) Locations of Reserved Areas and Access Lanes are identified in Appendix F and Appendix H.
- 2) Any other waters may be reserved for an Access Lane or other specified maritime safety purpose or activity either:
 - a) by the Council issuing a written approval; or
 - b) by the Harbourmaster,
- 3) The Harbourmaster may specify controls and suspension of the use of the Reserved Area by issue of a Local Notice to Mariners.

Explanatory note: The controls made under the Otago Regional Council Navigation Safety Bylaw 2019 contain maps showing areas of navigable water permanently reserved by Council for specified purposes and use. Local Notices to Mariners will be posted on the Council web site.

- 4) No person may operate a vessel in a reserved area other than in accordance with any condition imposed by the Harbourmaster for the reserved area.
- 5) No person may enter a reserved area for any other purpose than that specified by the Harbourmaster.
- 6) While a reserved area is in use for the purpose specified by the Harbourmaster, no person may obstruct that use, or be in the specified area for any other purpose without prior approval of the Harbourmaster.

20. Special events

- 1) A person that intends to conduct a sporting event, training activity, ceremonial or customary event or any other organised water activity on navigable water must obtain approval from the Harbourmaster if the activity is likely to affect normal operation of another vessel or any other user of the water, or:
 - a) requires temporary suspension of the relevant speed clause(s) and any other relevant clause of the Maritime Rules or this Bylaw;
 - b) requires an area to be temporarily reserved for a specific area for the purpose of the event; or
 - c) requires the temporary suspension of a reserved area or access lane; or
 - d) requires temporary installation of course markers or similar such structures in the water.
- 2) An application to temporarily reserve an area of navigable water may be approved or refused at the discretion of the Harbourmaster, upon such terms and conditions as the Harbourmaster thinks fit. Such conditions may include temporary suspension of use of defined waters by all other users, if reasonably required for maritime safety purposes in the opinion of the Harbourmaster.

Explanatory note: Temporary Reservations will be published by Local Notice to Mariners on the Council's website.

21. Conduct near marine mammals

- 1) In the vicinity of marine mammals, the person in charge of each vessel shall;
 - a) travel no faster than idle or 'no wake' speed within 300m of any marine mammal
 - b) approach whales and dolphins from behind and to the side
 - c) not circle them, obstruct their path or cut through any group.
 - d) keep at least 50m from whales (or 200m from any large whale mother and calf or calves).
 - e) idle slowly away. Speeds may be gradually increased to out-distance dolphins and should not exceed 10 knots within 300m of any dolphin.

Explanatory note: the presence of marine mammals tends to attract vessels into a small area of water for viewing purposes. It is important for maritime safety that vessels operate in a consistent and predictable manner.

- 2) Masters of large vessels are not obliged to comply with Clause 1 if necessary for navigational safety reasons.

Explanatory note: Masters of Large Vessels should slow down as much as conditions allow while keeping sufficient speed for control of the vessel to maintain navigational safety within the confines of the navigable waters.

Part 4. Anchoring and Mooring

22. Anchoring

- 1) No small or medium vessel shall anchor in a Navigational Channel without approval from the Harbourmaster. A large vessel may anchor in a Navigational Channel at the direction of the Pilot.
- 2) No vessel shall anchor in a manner that obstructs moorings or moored vessels.
- 3) No vessel shall remain anchored within the same or proximate location for longer than 14 consecutive days in any six month period without the prior approval of the Harbourmaster.
- 4) An anchored vessel may not be left unattended for more than 24 hours without the owner, or their representative checking that the vessel remains secure.
- 5) Vessels are permitted to anchor in Oamaru Harbour in the area shown in Appendix G provided that clauses (2) to (4) above are complied with.

23. Moorings

- 1) No person shall lay, or move, a mooring unless:
 - a) that person holds a coastal permit for that mooring from Council; or
 - b) the mooring is a permitted activity in the Regional Coastal Plan.
- 2) No person shall secure a vessel to a mooring that exceeds the length, displacement, or draught specified in the coastal permit or in licencing arrangements with the coastal permit owner.
- 3) If at any time in the opinion of the Harbourmaster any mooring is or may be in an insufficient state of repair the Harbourmaster may require the mooring to be:
 - (a) inspected by a competent person approved by the Harbourmaster; and
 - (b) repaired to a standard specified by the Harbourmaster.within a period specified by the Harbourmaster.

Part 5. Special Controls on Activities in Otago Harbour

24. Communication requirements for vessels in the Otago Harbour Shipping Channel

- 1) All vessels over 6m in length shall carry an operational marine VHF radio and maintain a radio watch on Channel 14 whilst navigating along the Otago Harbour Shipping Channel.
- 2) Between sunset and sunrise, or in conditions of restricted visibility, all vessels shall contact Harbour Control before entering or transiting along the Otago Harbour Shipping Channel.
- 3) The person in charge of all Medium Vessels and Large Vessels must contact Harbour Control before navigating along the Otago Harbour Shipping Channel.

25. Moving Prohibited Zone (MPZ)

- 1) No person shall navigate a vessel so as to be within an MPZ without the approval of the Harbourmaster.
- 2) Subclause 1) shall not apply to tugs or pilot vessels while they are carrying out towage or pilotage duties in relation to a vessel for which a MPZ applies.

Explanatory note: The MPZ is defined to only apply to waters within the Otago Harbour Shipping Channel. Small and Medium Vessels may pass a Large Vessel transiting the Otago Harbour Shipping Channel provided that they pass outside the channel. Provided it is safe to do so, Small and Medium vessels travelling inbound may need to cross to the port-hand side to bypass an MPZ outside of the marked channel, where the waters to starboard of the channel lie within 200m of shore.

- 3) Subclauses 1) and (2) shall not apply where the approval of the Harbourmaster has been obtained for a vessel to be within a MPZ or to pass another vessel in the Otago Harbour Shipping Channel.
- 4) A Specified MPZ may be declared by the Harbourmaster by Local Notice to Mariners to apply to any vessel for such times and duration as the Harbourmaster considers necessary.

26. Vessel movements in proximity to ships

- 1) Vessels may come within 200 metres of a berthed tanker showing Flag B when necessary to navigate past provided they maintain the largest separation that can be safely achieved.

Explanatory note: There is insufficient room for vessels using the Otago Harbour Shipping Channel to maintain the minimum 200m separation required under Maritime Rules for tankers berthed at the Dunedin Oil Jetty or LPG terminal.

- 2) A master must not cause any vessel to manoeuvre within 200 metres of a berthed tanker flying Flag B unless required to by the operation of the tanker.

Explanatory note: refer to Interpretation section for definition of manoeuvre.

- 3) No vessel may berth or come alongside within 100 metres of a berthed tanker flying Flag B.
- 4) No vessel shall approach or manoeuvre within 25 metres of a large vessel without the prior permission of the large vessel or the Harbourmaster.

Explanatory note: Being in the vicinity of a Large Vessel will be unsafe at times due to the lack of visibility of vessels in close and due to activities such as cargo loading, release of mooring lines, and operation of the ship's propulsion systems.

27. Fishing in Otago Harbour Shipping Channel

- 1) Drift fishing and trolling using handheld rods or lines, either held in hand or placed in rod holders is permitted in the Otago Harbour Shipping Channel except when an MPZ applies in accordance with clause 25. Special restrictions apply in the vicinity of Halfway Islands in accordance with subclause (2).
- 2) The Halfway Islands Safety Zone is established as a Reserved Area for the area shown in Appendix F. The person in charge of any vessel that is fishing in the Halfway Islands Safety Zone must:
 - a) if intending to fish in the Halfway Islands Safety Zone, call Harbour Control on VHF Channel 14 prior to entry into the Zone, and
 - b) call Harbour Control on VHF Channel 14 upon exit from the Halfway Islands Safety Zone, or upon the cessation of fishing activity, and
 - c) maintain a radio watch on VHF Channel 14 while fishing in the Halfway Islands Safety Zone and immediately vacate the channel if:
 - (i) a large vessel approaches the Safety Zone; or
 - (ii) a long blast is given from a ship's whistle; or
 - (iii) the vessel indicates that it requires sea room by means of 5 short blasts on the ship's whistle, or a light signal of 5 rapid flashes, or call via VHF; or
 - (iv) if advised by Harbour Control; or
 - (v) if directed by the Harbourmaster.

28. Notification of maritime accidents, incidents and mishaps

- 1) The person owning or having responsibility for, or in charge of, or having conduct of any vessel, Port Company property, other maritime facility, structure or object that:
 - a) has been involved in any accident, incident, or mishap involving a vessel; or
 - b) in any manner gives rise to a navigational hazard;

Shall, as well as complying with any accident reporting requirements of Maritime Rules and the Act, immediately report the occurrence to the Harbourmaster.

- 2) For accidents incidents or mishaps in Otago Harbour the Harbourmaster shall be notified by a VHF radio call to Harbour Control immediately, where VHF communication is available after the incident.
- 3) For other accidents incidents or mishaps the Harbourmaster shall be contacted within 24 hours of the incident by phone call or by email.

Explanatory note: Harbourmaster email address is harbourmaster@orc.govt.nz

- 4) Persons reporting accidents under the Maritime Rules and the Maritime Transport Act should provide to the Harbourmaster a copy of the appropriate Maritime New Zealand report form within 24 hours of submission to Maritime New Zealand.
<https://services.maritimenz.govt.nz/incident/>
- 5) The Harbourmaster may contact the owner of any vessel or property involved in any such accident, incident or mishap.

29. Written approvals

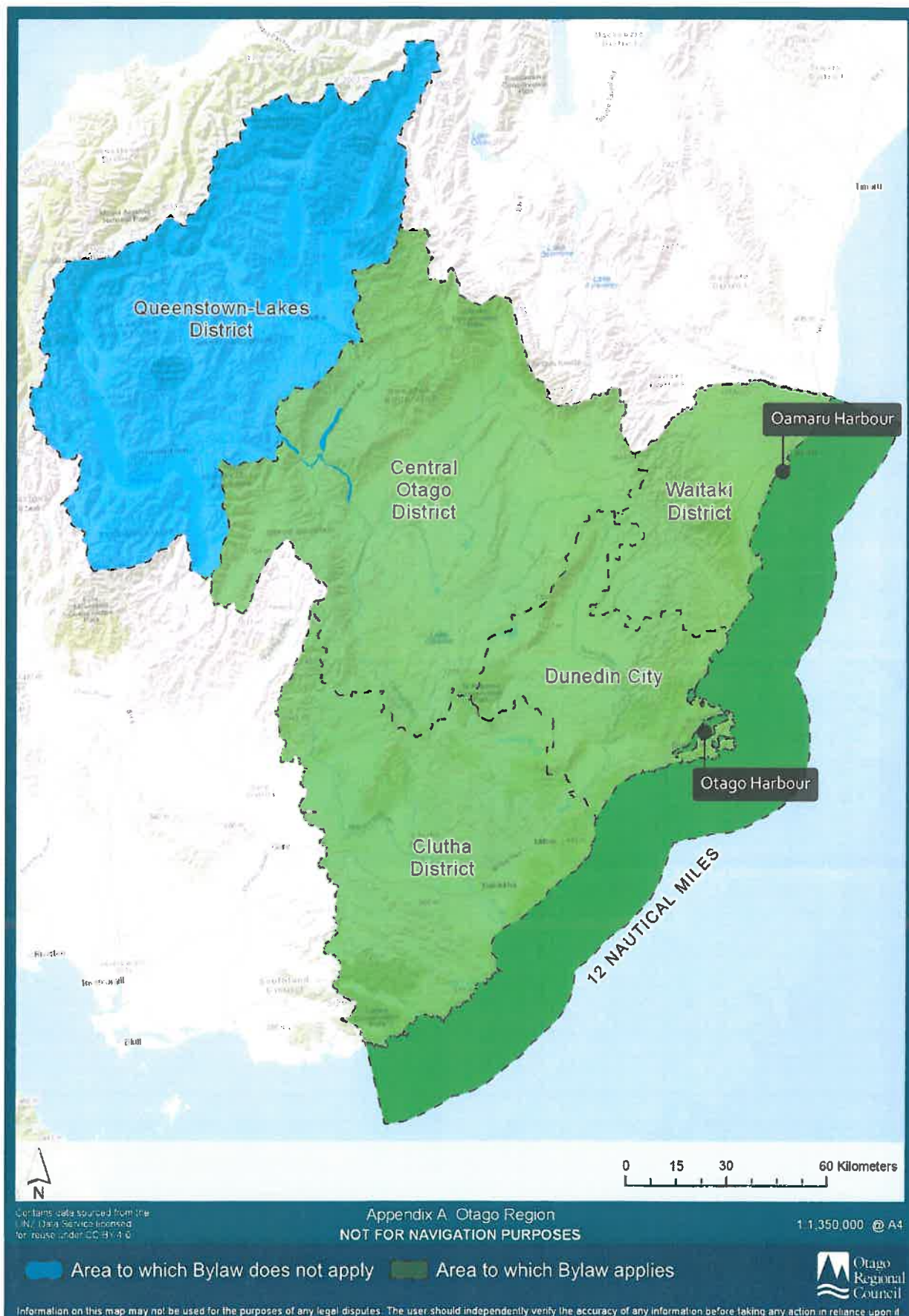
- 1) Any person may make application to the Harbourmaster for written approval as allowed under this bylaw. Applications must be:
 - (a) in a form and manner prescribed by the Harbourmaster; and
 - (b) be accompanied by any required fee.
- 2) Written approval may be granted or refused and if granted subject to conditions.
- 3) Any written approval required by this Bylaw shall be displayed as required by its terms and conditions and must be produced forthwith on request by the Harbourmaster, an Enforcement Officer or a Constable.
- 4) No written approval, required by this Bylaw shall have effect until any fee required for it has been paid.

30. Offences and penalties

- 1) It is an offence under section 33N of the Act to contravene this Bylaw.
- 2) It is an offence under the Act to, without reasonable excuse, fail to comply with a direction or requirement given or imposed by a Harbourmaster under section 33F of the Act.

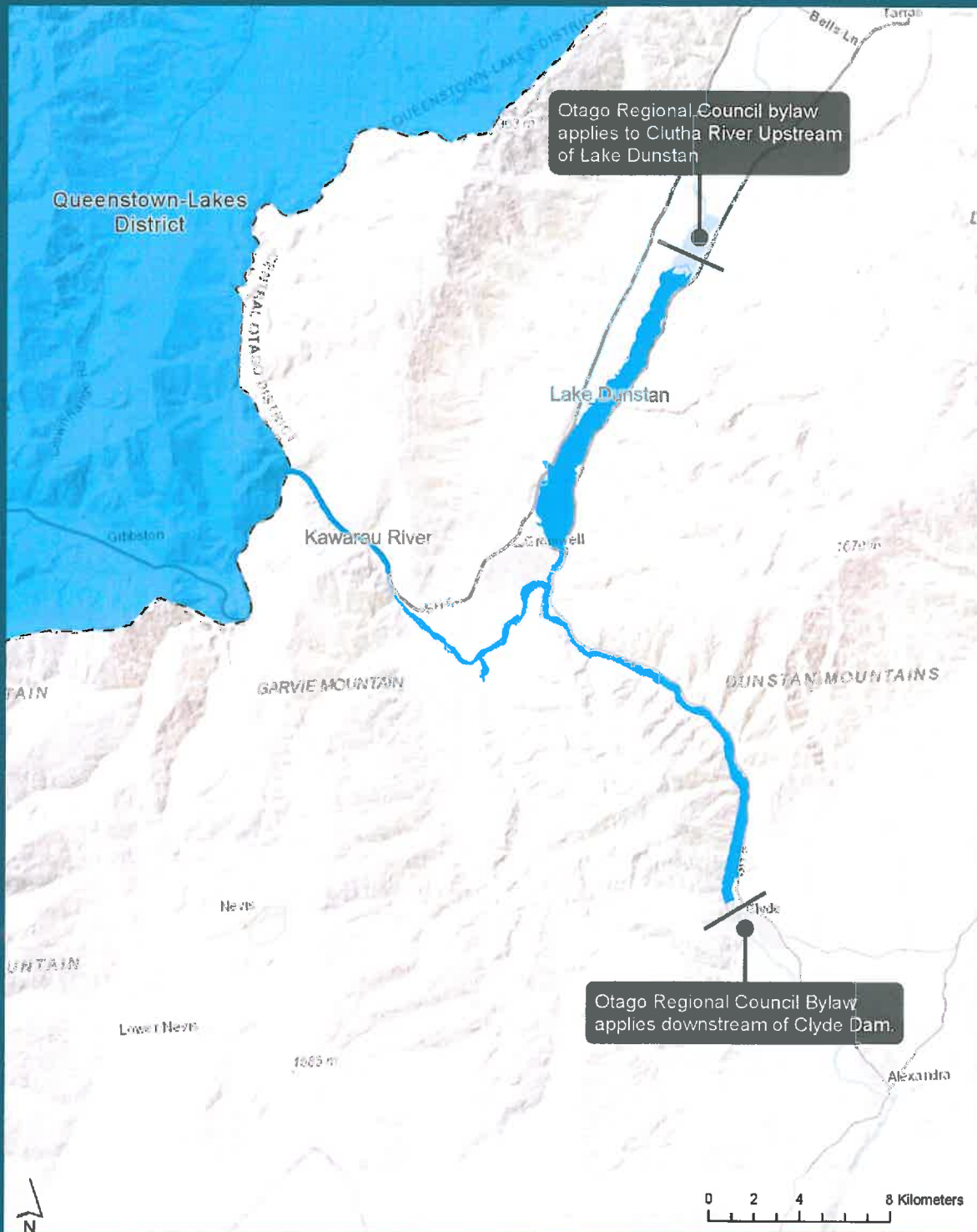
Part 6. Appendices

Appendix A. Otago Region



Appendix B. Waters Where Bylaw Does Not Apply in Central Otago District

Navigation safety in Lake Dunstan and Kawarau River downstream from Queenstown Lakes District is administered by Central Otago District Council.



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Appendix B. Waters Where Bylaw Does Not Apply in Central Otago District
NOT FOR NAVIGATION PURPOSES

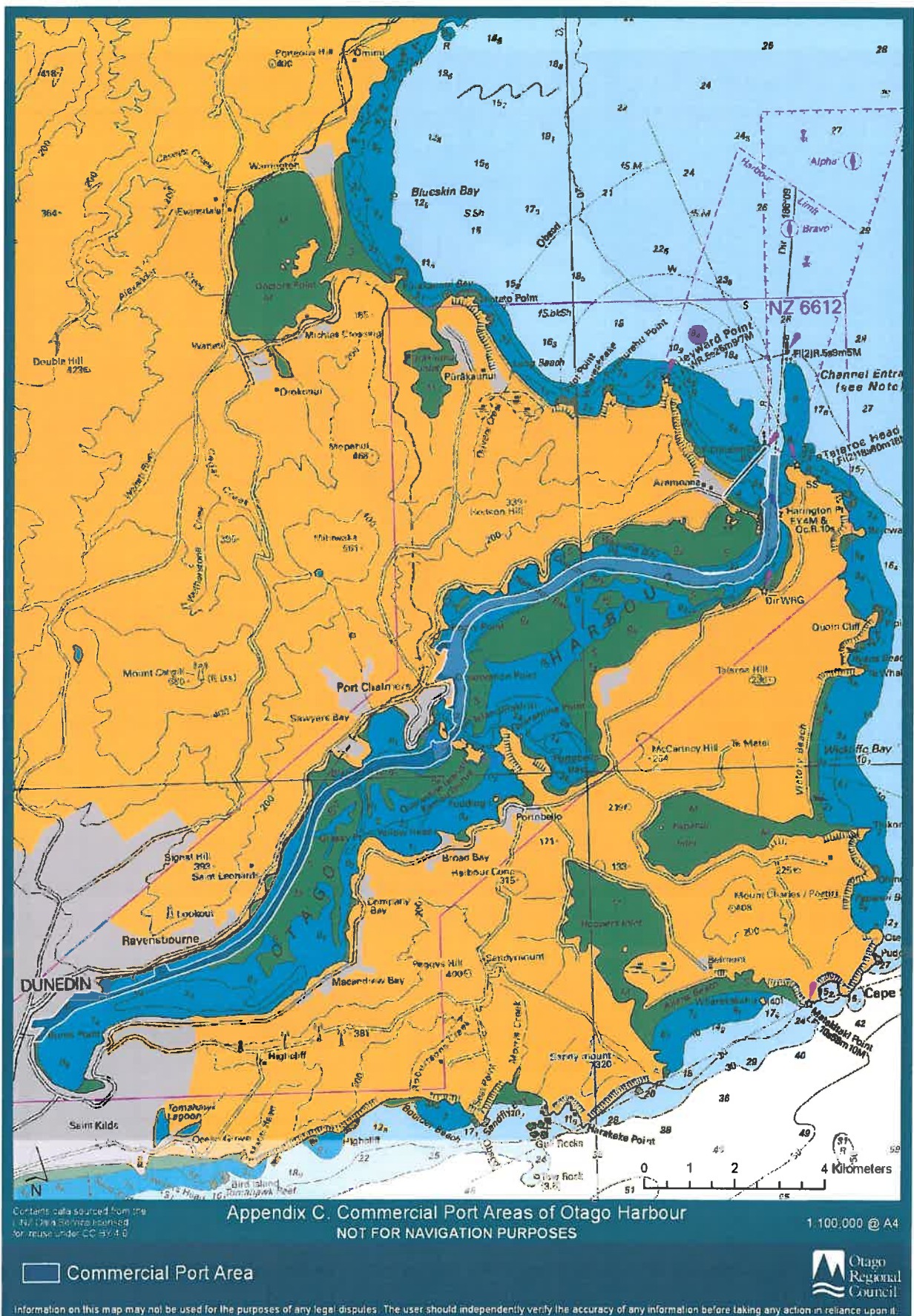
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Area to which Bylaw does not apply

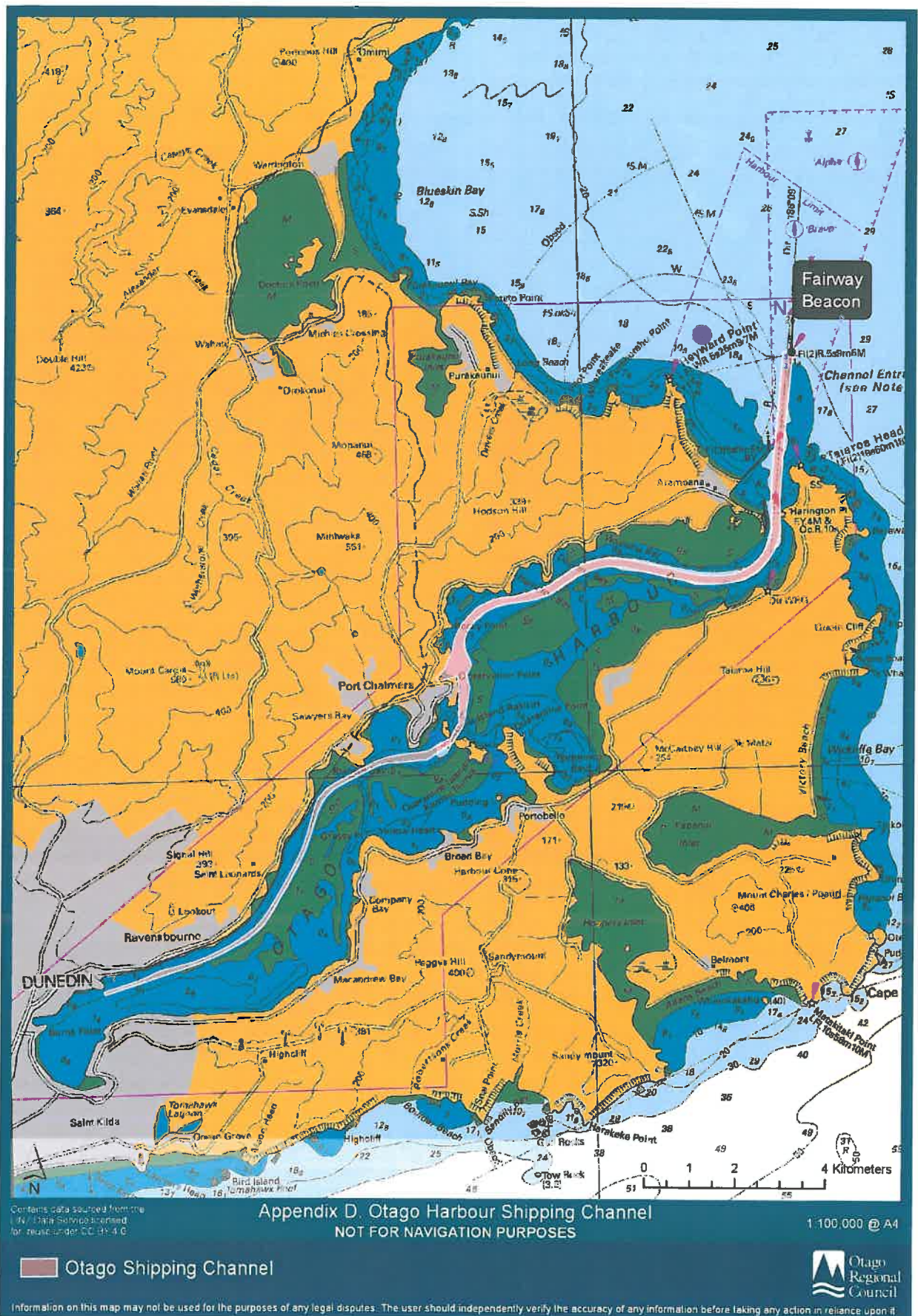


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Appendix C. Commercial Port Areas of Otago Harbour

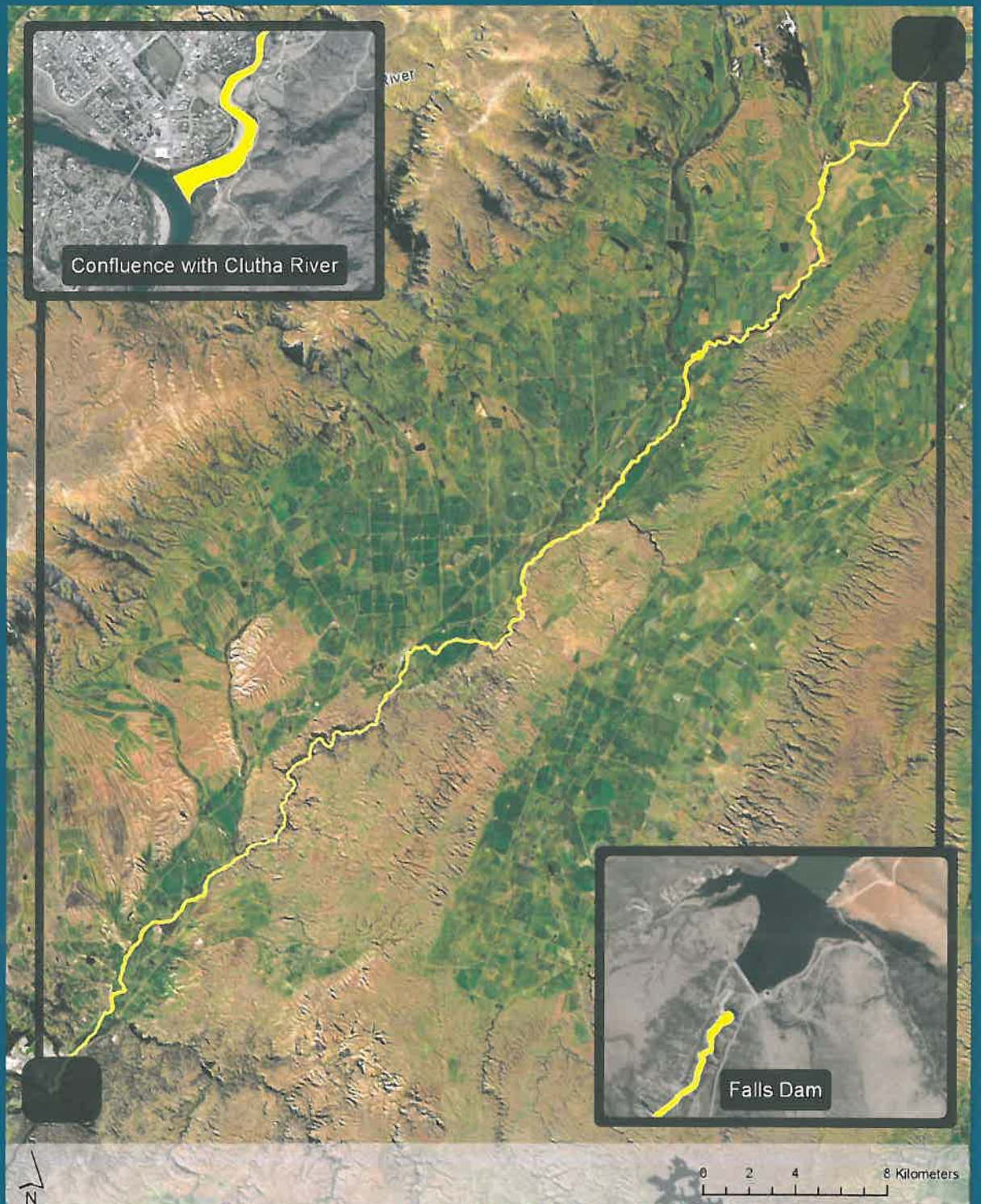


Appendix D. Otago Harbour Shipping Channel



Appendix E. Special Speed Zones for Otago Inland Waters

Manuherikia River: The Manuherikia River from the confluence with the Clutha River to the Falls Dam in St Bathans, between August and September when the flow is between 10 cumecs and 45 cumecs as measured at the Ophir gauge.



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Appendix E. Special Speed Zones for Otago Inland Waters
NOT FOR NAVIGATION PURPOSES

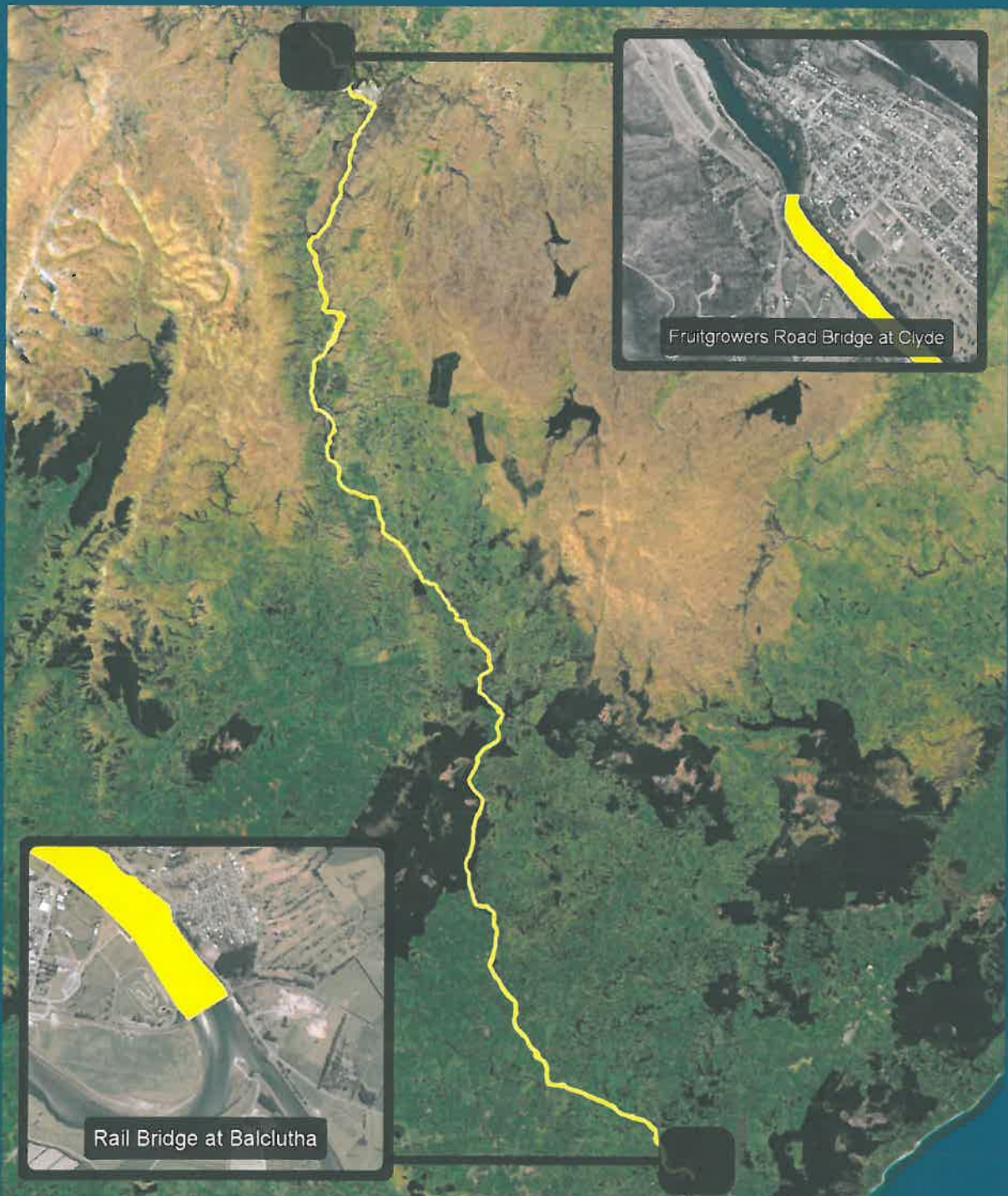
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 Special Speed Zone



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Mid Clutha River: Speed unlimited for all vessels in Clutha River, including all waters of Lake Roxburgh, between Fruitgrowers Road bridge at Clyde and the Rail Bridge at Balclutha.



0 5 10 20 Kilometers

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Appendix E. Special Speed Zones for Otago Inland Waters
NOT FOR NAVIGATION PURPOSES

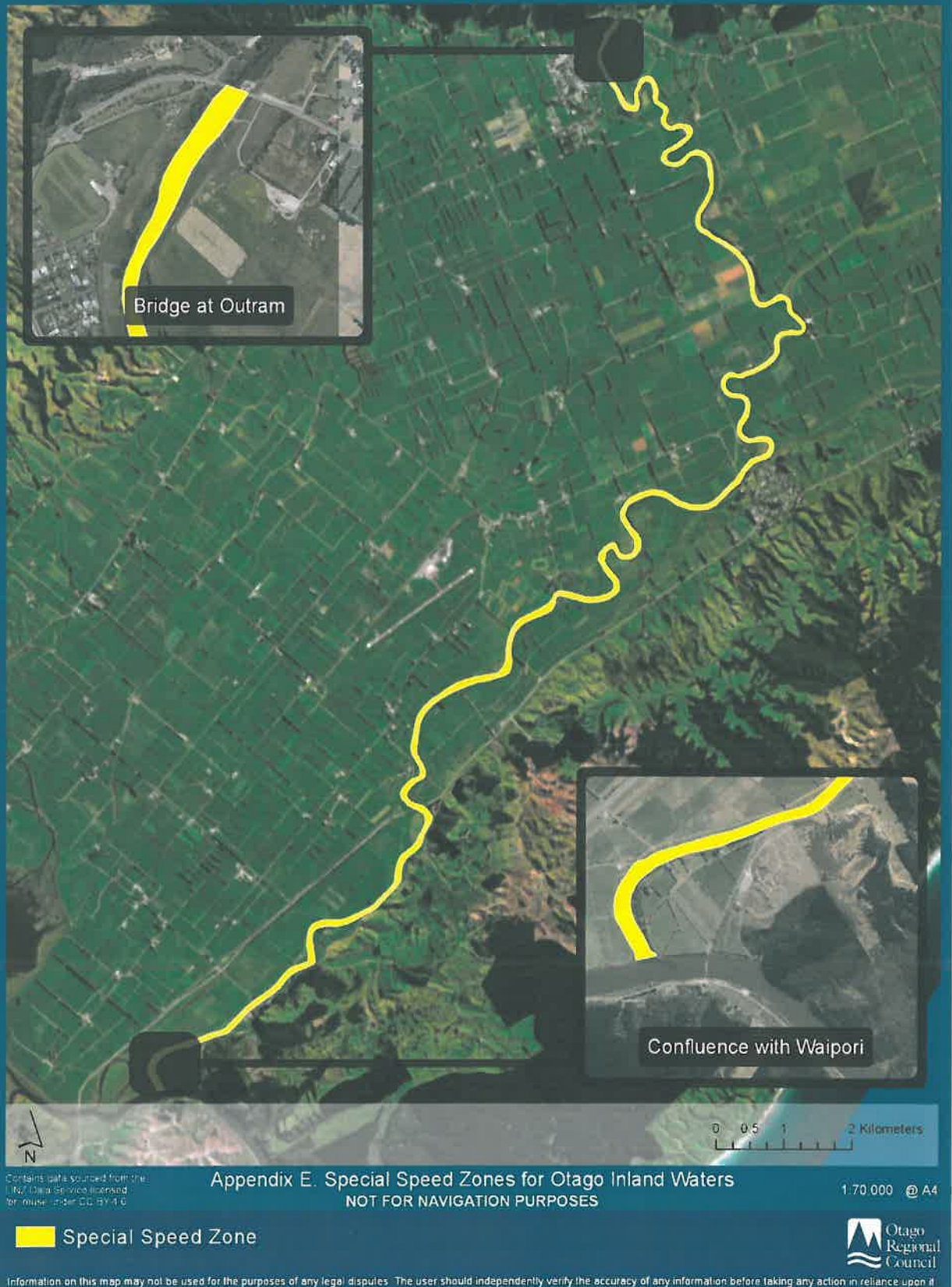
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 **Special Speed Zone**

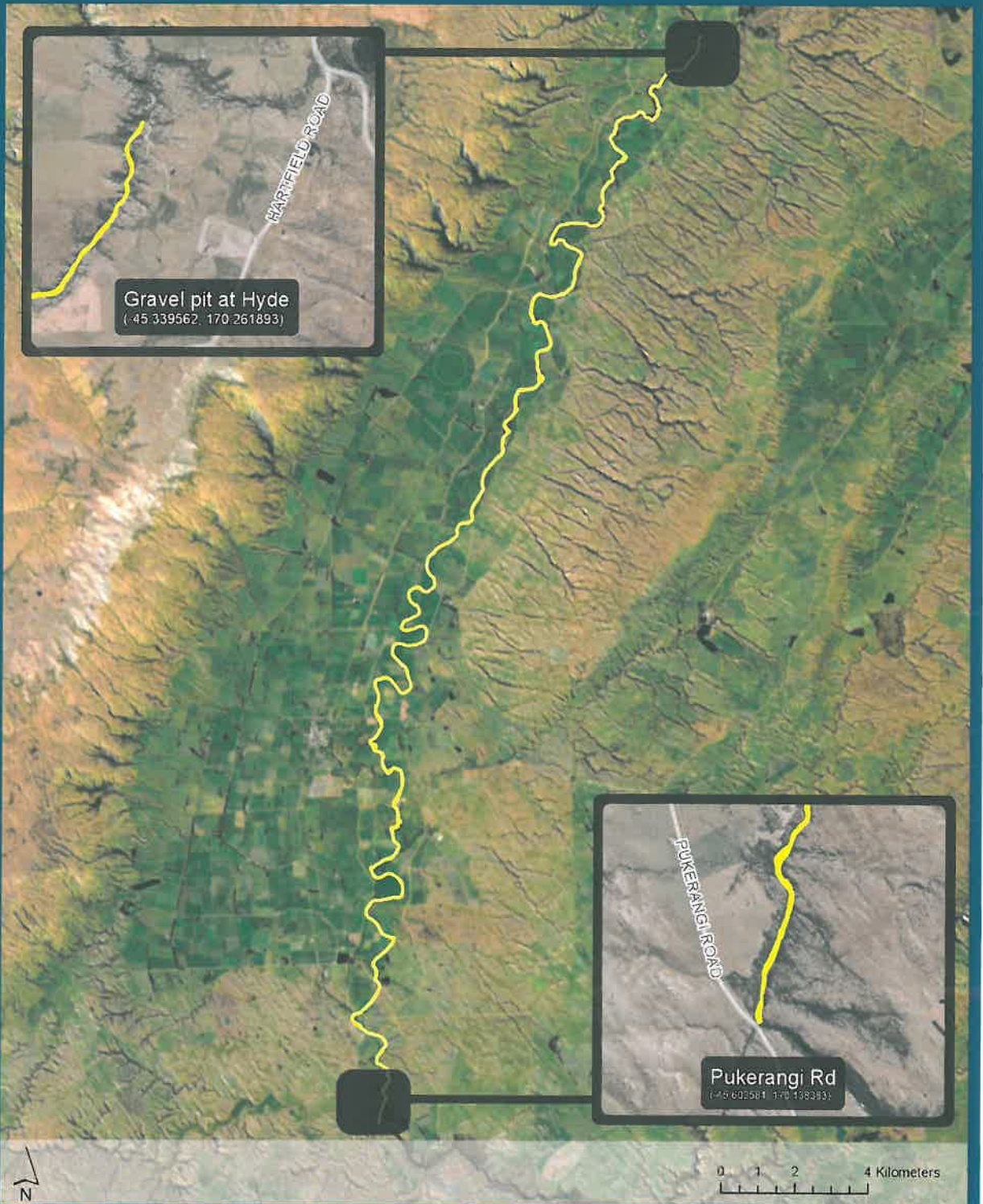


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Taieri River: The Taieri River from the bridge at Outram downstream to the confluence with the Waipori River, between 15 July and 15 August when the flow is more than 30 cumecs as measured at the Outram gauge.



Taiari River: The Taiari River from the Gravel Pit at Hyde downstream to the Pukerangi Road Bridge in Pukerangi, between August and September when the flow is more than 20 cumecs as measured at the Waipiata gauge.



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Appendix E. Special Speed Zones for Otago Inland Waters
NOT FOR NAVIGATION PURPOSES

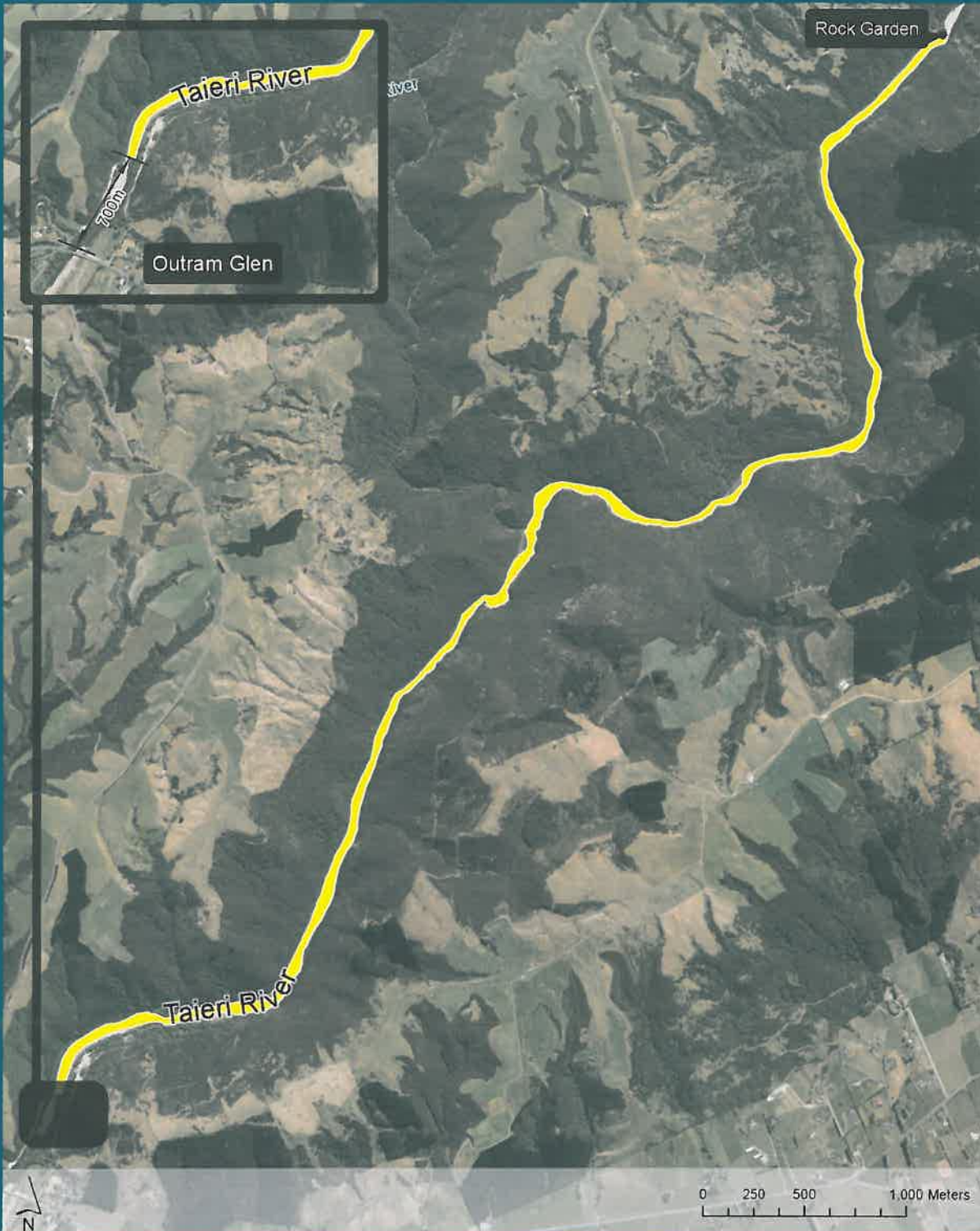
1 133,822 @ A4

Special Speed Zone



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Taieri River: Speed unlimited for all vessels from 700m upstream of the State Highway 87 bridge at Outram Glen to the Rock Garden 7km northeast of the State Highway 87 bridge.



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Appendix E. Special Speed Zones for Otago Inland Waters
NOT FOR NAVIGATION PURPOSES

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 Special Speed Zone



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The Upper Clutha River: Speed unlimited for all vessels in Clutha River between boundary of Queenstown Lakes District Council and Lake Dunstan. Navigation safety for Lake Dunstan is administered by Central Otago District Council.



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Appendix E. Special Speed Zones for Otago Inland Waters
NOT FOR NAVIGATION PURPOSES

1:90,000 @ A4

 Special Speed Zone  Lake Dunstan



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Waipori River: Speed unlimited for all vessels more than 30m from shore, from the upstream end of Riverside Road to the State Highway 1 bridge at Titri. Excludes Taieri River upstream of confluence with Waipori and other tributaries of Waipori River.



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Appendix E. Special Speed Zones for Otago Inland Waters
 NOT FOR NAVIGATION PURPOSES

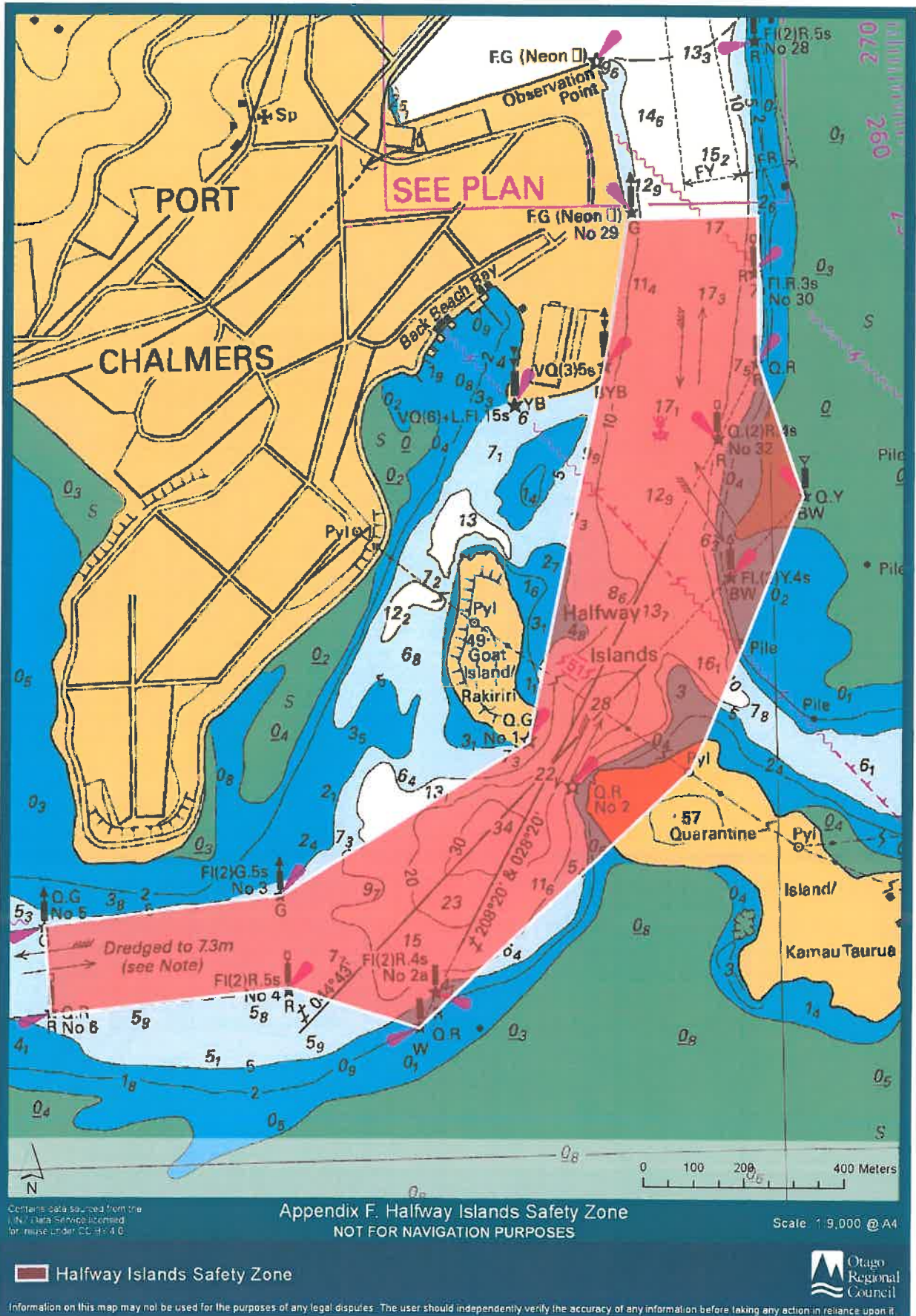
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- Special Speed Zone
- State Highway



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Appendix F. Halfway Islands Safety Zone



Appendix G. Oamaru Harbour



Appendix H. Lake Waihola Reserved Areas and Access Lanes



Waihola

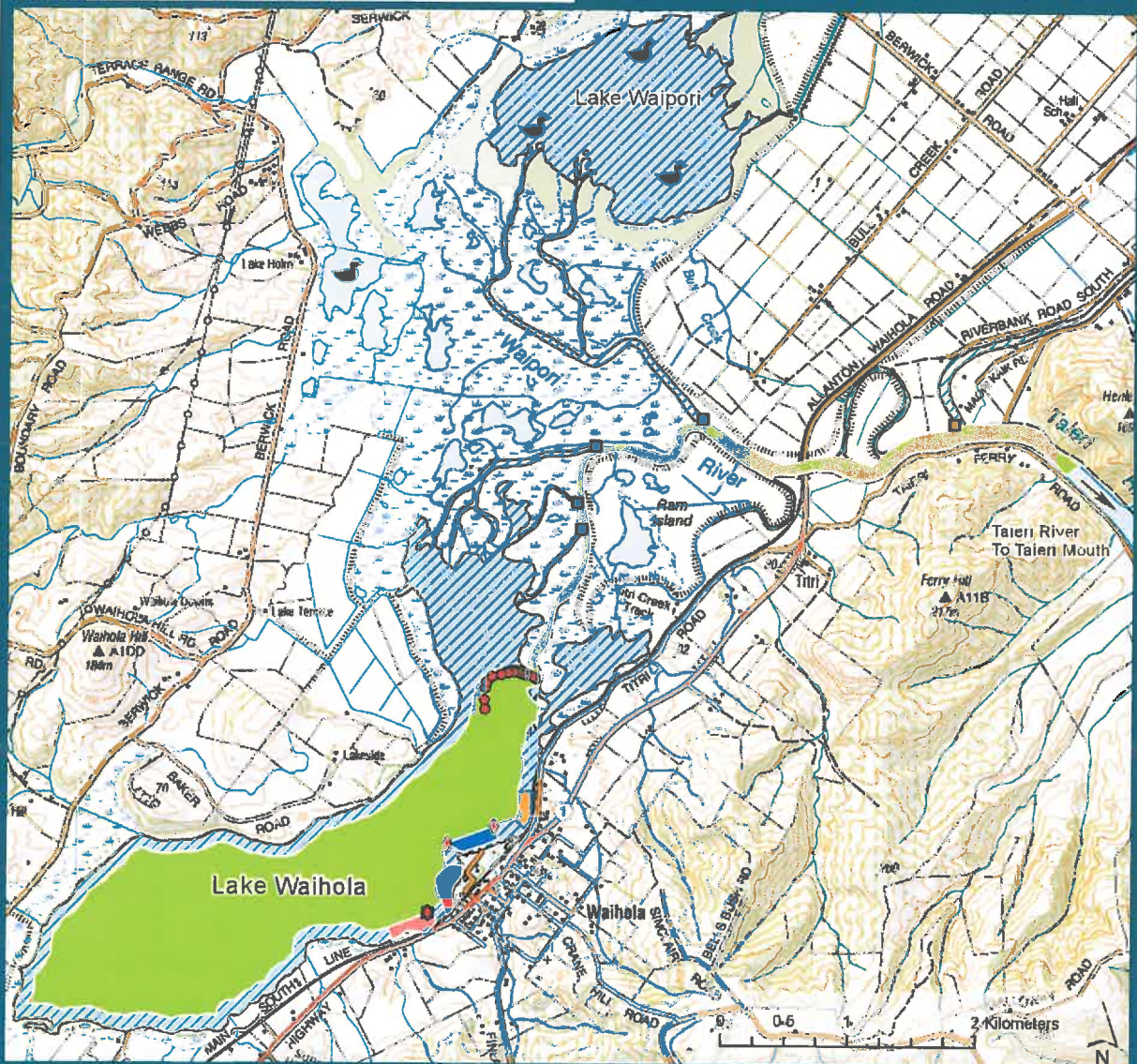
Otago Regional Council
 Navigational Safety Bylaw 2018

Lake Waihola water users are required to comply with this plan.

To comment or report any navigational safety matters please call ORC Harbourmaster
 Ph: 021 201 0592
 Email: harbourmaster@orc.govt.nz

5 KNOTS in the maximum speed:

- Within 100 meters of shore expect approved use of access lanes.
- Within 50 meters of any other vessel or swimmer

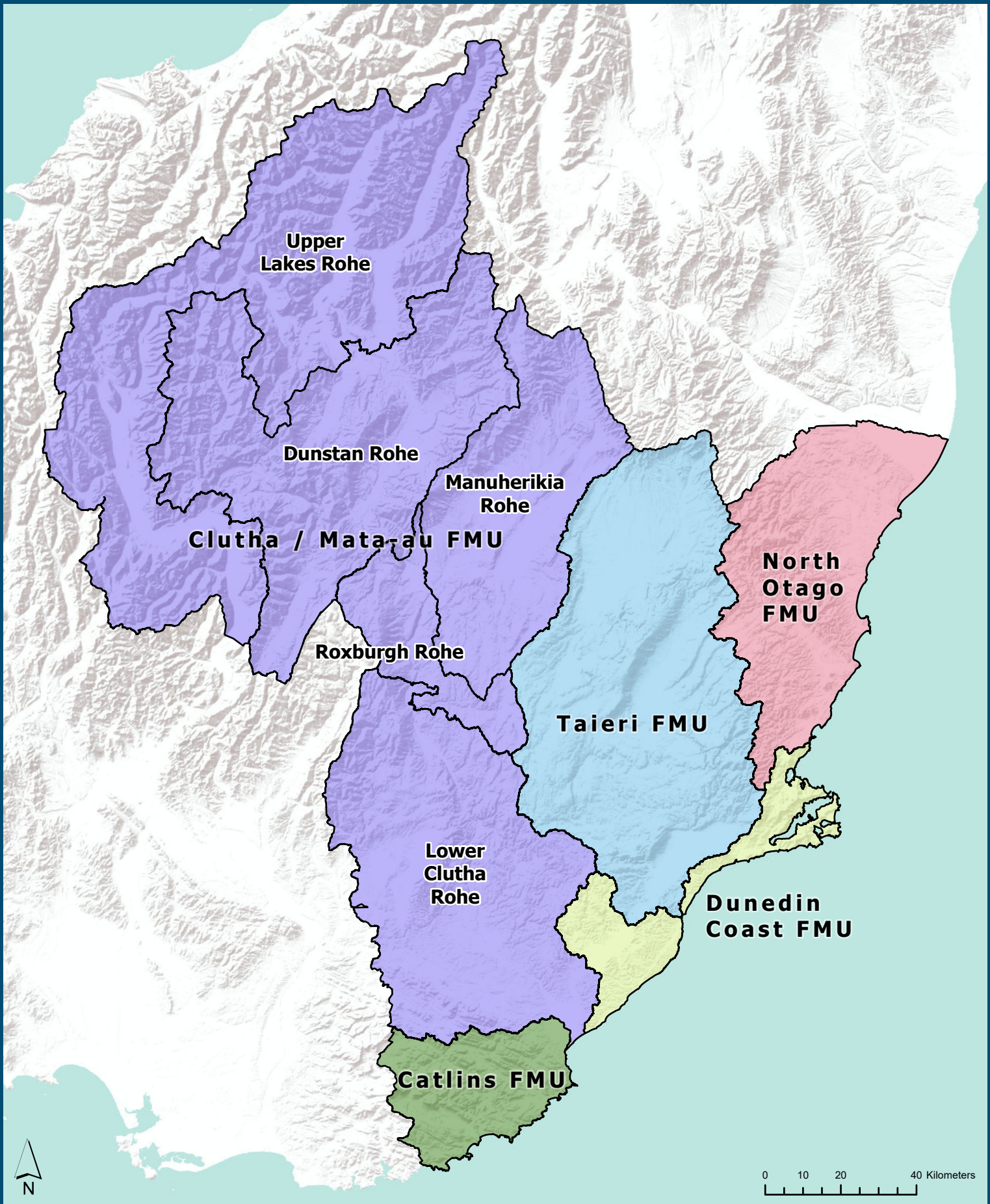


Appendix H. Lake Waihola Reserved Areas and Access Lanes
 NOT FOR NAVIGATION PURPOSES

1:45,000 @ A4

● 5 Knot Marker Bouy	● Channel Markers	■ Water Ski Slalom Access Lane	■ Swimming Area Only	■ Jet Ski Access Lane
● 5 Knot Sign	● Wildlife Area	■ Recreational Area	■ Water Ski Lane	■ 5 Knot Area

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Freshwater Management Units

1:1,300,000 @ A4

- Level 1 FMU: Clutha / Mata-Au Dunedin Coast North Otago Taieri The Catlins
- Level 2 Rohe: Upper Lakes Rohe
 Dunstan Rohe
 Manuherikia Rohe
 Roxburgh Rohe
 Lower Clutha Rohe

FMU setting workgroup members

Senior GIS / IT Operations Officer - Andrew MacKay

GIS Assistant - James Weir

Senior Consents Officer - Natasha Pritchard

Senior Policy Advisor - Tom De Pelsemaeker

Senior Policy Advisor - Sylvie Leduc

Environmental Resource Scientist (Freshwater) - Jason Augspurger

Environmental Resource Scientist - Rachel Ozanne

Environmental Officer - Byron Pretorius

Senior Communications and Engagement Advisor (Water) - Lucy Summers

Acting Policy Manager - Anita Dawe

Team leader Environmental Monitoring - Pete Stevenson

Senior Policy Advisor for Aukaha (representing iwi) - Maria Bartlett

Resource Management Officer for Aukaha (representing iwi) - Kathryn Gale

Manager Hazards - Jean-Luc Payan

Manager Resource Science - Julie Everett-Hincks

Senior Environmental Data Officer - Marc Ettema

Policy Advisor - Julia Briggs

for Freshwater Management 2014

*Updated August 2017 to incorporate amendments from the
National Policy Statement for Freshwater Amendment Order 2017*

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Preamble

Fresh water is essential to New Zealand's economic, environmental, cultural and social well-being. Fresh water gives our primary production, tourism, and energy generation sectors their competitive advantage in the global economy. Fresh water is highly valued for its recreational aspects and it underpins important parts of New Zealand's biodiversity and natural heritage. Fresh water has deep cultural meaning to all New Zealanders. Many of New Zealand's lakes, rivers and wetlands are iconic and well known globally for their natural beauty and intrinsic values.

The Treaty of Waitangi/Te Tiriti o Waitangi is the underlying foundation of the Crown-iwi/hapū relationship with regard to freshwater resources. Addressing tangata whenua values and interests across all of the well-beings, and including the involvement of iwi and hapū in the overall management of fresh water, are key to giving effect to the Treaty of Waitangi.

All New Zealanders have a common interest in ensuring the country's freshwater lakes, rivers, aquifers and wetlands are managed wisely.

New Zealand faces challenges in managing our fresh water to provide for all of the values that are important to New Zealanders. The quality, health, availability and economic value of our fresh waters are under threat. These challenges are likely to increase over time due to the impacts of climate change.

To respond effectively to these challenges and issues, we need to have a good understanding of our freshwater resources, the threats to them, and provide a management framework that enables water to contribute both to New Zealand's economic growth and environmental integrity and provides for the values that are important to New Zealanders.

Given the vital importance of freshwater resources to New Zealand and New Zealanders, and in order to achieve the purpose of the Resource Management Act 1991 (the Act), there is a particular need for clear central government policy to set a national direction, though the management of the resource needs to reflect the catchment-level variation and different demands on the resource across regions. This includes managing land use and development activities that affect fresh water so that growth is achieved with a lower environmental footprint.

This national policy statement recognises Te Mana o te Wai and sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. The national policy statement is a first step to improve freshwater management at a national level.

As demand for fresh water increases, it is vital to account for all freshwater takes and sources of relevant contaminants. The freshwater accounting requirements of this national policy statement will provide information for councils to use in establishing freshwater objectives and limits and in targeting their management of fresh water.

This national policy statement provides a National Objectives Framework to assist regional councils and communities to more consistently and transparently plan for freshwater objectives. Te Mana o te Wai is an integral part of the framework that forms the platform for community discussions about the desired state of fresh water relative to the current state. New Zealanders generally aspire to high standards for our waterways and outcomes that are better than those achieved under the status quo. Freshwater planning will require an iterative approach that tests a range of possible objectives, limits and methods for their achievement, including different timeframes for achieving objectives. This ensures that the implications of proposed freshwater objectives are clear for councils and communities.

The national policy statement recognises iwi/hapū and community interests in fresh water.

including their environmental, social, economic, and cultural values. There are two compulsory values that must be managed for – ecosystem health and human health.

National bottom lines in the national policy statement are not standards to aim for. Where freshwater management units are below national bottom lines they must be improved to at least the national bottom line, or better, over time. It is up to communities and iwi/hapū, through councils, to determine the pathway and timeframe for ensuring freshwater management units meet the national bottom lines. Where changes in the way communities use fresh water are required, the pace of those changes should take into account impacts on economic well-being. Improvements in freshwater quality may take generations depending on the characteristics of each freshwater management unit.

Iwi and hapū have a kinship relationship with the natural environment, including fresh water, through shared whakapapa. Iwi and hapū recognise the importance of fresh water in supporting a healthy ecosystem, including human health, and have a reciprocal obligation as kaitiaki to protect freshwater quality.

New Zealand's rivers and lakes should be safe for primary contact as often as possible. The Government has set a national target of 90% of specified rivers and lakes to be safe for primary contact by 2040. The expectation is that more of these rivers and lakes will be safe for primary contact more of the time. The risks to human health from contact with fresh water must be reduced. There is an interim target of 80% of these rivers and lakes to be safe for primary contact by 2030. By the end of 2018, councils need to set regional targets to improve water quality for primary contact, so that it is clear how each region will contribute to achieving the national target.

The national policy statement requires freshwater quality within a freshwater management unit to be maintained at its current level (where community values are currently supported) or improved (where community values are not currently supported). For the human health value, water quality in fresh water management units must be improved unless regional targets have been achieved or naturally occurring processes mean further improvement is not possible. This national policy statement allows some variability in terms of freshwater quality, as long as the overall freshwater quality is maintained within a freshwater management unit.

Monitoring plans are intended to be practical and affordable. It is not possible for regional councils to monitor every drop of fresh water, nor every possible indicator of freshwater health. Monitoring freshwater objectives need only be undertaken at representative sites within a freshwater management unit as identified by regional councils, and must use the Macroinvertebrate Community Index, as well as measures of indigenous flora and fauna and Mātauranga Māori. Monitoring plans are also intended to recognise the importance of long term trends in data.

Setting enforceable quality and quantity limits is a key purpose of this national policy statement. This is a fundamental step to achieving environmental outcomes and creating the necessary incentives to use fresh water efficiently, while providing certainty for investment. Water quality and quantity limits must reflect local and national values. The process for setting limits should be informed by the best available information and scientific and socio-economic knowledge.

Once limits are set, freshwater resources need to be allocated to users, while providing the ability to transfer entitlements between users so that we maximise the value we get from water. Where water resources are over-allocated (in terms of quality and quantity) to the point that national and local values are not met, over-allocation must be reduced over agreed timeframes.

The New Zealand Coastal Policy Statement 2010 addresses issues with water quality in the coastal environment. The management of coastal water and fresh water requires an integrated and consistent approach.

Review

The Minister for the Environment intends to seek an independent review of the implementation and effectiveness of this national policy statement in achieving all its objectives and policies and in achieving the purpose of the Act, no later than 1 July 2020. The Minister shall then consider the need to review, change or revoke this national policy statement.

Title

This national policy statement is the National Policy Statement for Freshwater Management 2014.

Commencement

This national policy statement will take effect 28 days after the date of its issue by notice in the New Zealand Gazette.

National significance of fresh water and Te Mana o te Wai

The matter of national significance to which this national policy statement applies is the management of fresh water through a framework that considers and recognises Te Mana o te Wai as an integral part of freshwater management.

The health and well-being of our freshwater bodies is vital for the health and well-being of our land, our resources (including fisheries, flora and fauna) and our communities.

Te Mana o te Wai is the integrated and holistic well-being of a freshwater body.

Upholding Te Mana o te Wai acknowledges and protects the mauri of the water. This requires that in using water you must also provide for Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people).

Te Mana o te Wai incorporates the values of tangata whenua and the wider community in relation to each water body.

The engagement promoted by Te Mana o te Wai will help the community, including tangata whenua, and regional councils develop tailored responses to freshwater management that work within their region.

By recognising Te Mana o te Wai as an integral part of the freshwater management framework it is intended that the health and well-being of freshwater bodies is at the forefront of all discussions and decisions about fresh water, including the identification of freshwater values and objectives, setting limits and the development of policies and rules. This is intended to ensure that water is available for the use and enjoyment of all New Zealanders, including tangata whenua, now and for future generations.

Interpretation

In this national policy statement:

“Attribute” is a measurable characteristic of fresh water, including physical, chemical and biological properties, which supports particular values.

“Attribute state” is the level to which an attribute is to be managed for those attributes specified in Appendix 2.

“Compulsory values” mean the national values relating to ecosystem health and to human health for recreation included in Appendix 1 and for which a non-exhaustive list of attributes is provided in Appendix 2.

“Efficient allocation” includes economic, technical and dynamic efficiency.

“Environmental flows and/or levels” are a type of limit which describes the amount of water in a freshwater management unit (except ponds and naturally ephemeral water bodies) which is required to meet freshwater objectives. Environmental flows for rivers and streams must include an allocation limit and a minimum flow (or other flow/s). Environmental levels for other freshwater management units must include an allocation limit and a minimum water level (or other level/s).

“Existing freshwater quality” means the quality of the fresh water at the time the regional council commences the process of setting or reviewing freshwater objectives and limits in accordance with Policy A1, Policy B1, and Policies CA1-CA4.

“Freshwater management unit” is the water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes.

“Freshwater objective” describes an intended environmental outcome in a freshwater management unit.

“Freshwater quality accounting system” means a system that, for each freshwater management unit, records, aggregates and keeps regularly updated, information on the measured, modelled or estimated:

- a) loads and/or concentrations of relevant contaminants;
- b) sources of relevant contaminants;
- c) amount of each contaminant attributable to each source; and
- d) where limits have been set, proportion of the limit that is being used.

“Freshwater quantity accounting system” means a system that, for each freshwater management unit, records, aggregates and keeps regularly updated, information on the measured, modelled or estimated:

- a) total freshwater take;
- b) proportion of freshwater taken by each major category of use; and
- c) where limits have been set, proportion of the limit that has been taken.

“Freshwater take” is a take of ground or surface fresh water whether authorised or not.

“Limit” is the maximum amount of resource use available, which allows a freshwater objective to be met.

“Minimum acceptable state” means, where specified in Appendix 2, the minimum level at which a freshwater objective may be set in a regional plan in order to provide for the associated national value.

“National bottom line” means, where specified, the minimum acceptable state for the compulsory values as specified in Appendix 2.

“National target” means the national target for water quality improvement in Appendix 6.

“National value” means any value described in Appendix 1.

“Naturally occurring processes” means processes that could have occurred in New Zealand prior to the arrival of humans.

“Outstanding freshwater bodies” are those water bodies identified in a regional policy statement or regional plan as having outstanding values, including ecological, landscape, recreational and spiritual values.

“Over-allocation” is the situation where the resource:

- a) has been allocated to users beyond a limit; or
- b) is being used to a point where a freshwater objective is no longer being met.

This applies to both water quantity and quality.

“Pest” means a pest as defined in the Biosecurity Act 1993.

“Primary contact” means people’s contact with fresh water that involves immersion in water, including swimming.

“Primary contact site” means:

- a) any part of a specified river or lake that a regional council considers is used, or would be used but for existing freshwater quality, for primary contact; and
- b) any other site in any other river or lake that a regional council has determined should be managed for primary contact.

“Regional target” means a regional target established under Policy A6.

“Specified rivers and lakes” means:

- a) rivers that are fourth order or above using the methods outlined in the River Environment Classification system, National Institute of Water and Atmospheric Research, Version 1; and
- b) lakes with a perimeter of 1.5 kilometres or more.

“Suitable for primary contact more often” means reducing the percentage and magnitude of *E. coli* exceedences for rivers and lakes, and cyanobacteria - planktonic biovolume for lakes, according to the attribute tables in Appendix 2.

“Target” is a limit which must be met at a defined time in the future. This meaning only applies in the context of over-allocation.

“Unwanted organism“ means an unwanted organism as defined in the Biosecurity Act 1993.

“Value” means:

- a) any national value; and
- b) includes any value in relation to fresh water, that is not a national value, which a regional council identifies as appropriate for regional or local circumstances (including any use value).

Terms given meaning in the Act have the meanings so given.

AA. Te Mana o te Wai

Objective AA1

To consider and recognise Te Mana o te Wai in the management of fresh water.

Policy AA1

By every regional council making or changing regional policy statements and plans to consider and recognise Te Mana o te Wai, noting that:

- a) te Mana o te Wai recognises the connection between water and the broader environment – Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people); and
- b) values identified through engagement and discussion with the community, including tangata whenua, must inform the setting of freshwater objectives and limits.

A. Water quality

Objective A1

To safeguard:

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and
- b) the health of people and communities, as affected by contact with fresh water;

in sustainably managing the use and development of land, and of discharges of contaminants.

Objective A2

The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- a) protecting the significant values of outstanding freshwater bodies;
- b) protecting the significant values of wetlands; and
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

Objective A3

The quality of fresh water within a freshwater management unit is improved so it is suitable for primary contact more often, unless:

- a) regional targets established under Policy A6(b) have been achieved; or
- b) naturally occurring processes mean further improvement is not possible.

Objective A4

To enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing freshwater quality, within limits.

Policy A1

By every regional council making or changing regional plans to the extent needed to ensure the plans:

- a) establish freshwater objectives in accordance with Policies CA1-CA4 and set freshwater quality limits for all freshwater management units in their regions to give effect to the objectives in this national policy statement, having regard to at least the following:
 - i. the reasonably foreseeable impacts of climate change;
 - ii. the connection between water bodies; and
 - iii. the connections between freshwater bodies and coastal water; and
- b) establish methods (including rules) to avoid over-allocation.

Policy A2

Where freshwater management units do not meet the freshwater objectives made pursuant to Policy A1, every regional council is to specify targets and implement methods (either or both regulatory and non-regulatory), in a way that considers the sources of relevant contaminants recorded under Policy CC1, to assist the improvement of water quality in the freshwater management units, to meet those targets, and within a defined timeframe.

Policy A3

By regional councils:

- a) imposing conditions on discharge permits to ensure the limits and targets specified pursuant to Policy A1 and Policy A2 can be met; and
- b) where permissible, making rules requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

Policy A4 and direction (under section 55) to regional councils

By every regional council amending regional plans (without using the process in Schedule 1) to the extent needed to ensure the plans include the following policy to apply until any changes under Schedule 1 to give effect to Policy A1 and Policy A2 (freshwater quality limits and targets) have become operative:

1. *“When considering any application for a discharge the consent authority must have regard to the following matters:*
 - a. *the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and*
 - b. *the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.*
2. *When considering any application for a discharge the consent authority must have regard to the following matters:*
 - a. *the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their contact with fresh water; and*
 - b. *the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their contact with fresh water resulting from the discharge would be avoided.*
3. *This policy applies to the following discharges (including a diffuse discharge by any person or animal):*
 - a. *a new discharge or*
 - b. *a change or increase in any discharge – of any contaminant into fresh water, or onto*

or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

4. *Paragraph 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.*
5. *Paragraph 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect.”*

Policy A5

By every regional council making or changing regional plans to the extent needed to ensure the plans:

- a) identify specified rivers and lakes, and primary contact sites; and
- b) state what improvements will be made, and over what timeframes, to specified rivers and lakes, and primary contact sites, so they are suitable for primary contact more often; or
- c) state how specified rivers and lakes, and primary contact sites, will be maintained if regional targets established under Policy A6(b) have been achieved.

Improvements to specified rivers and lakes in (b) must make a contribution to achieving regional targets established under Policy A6(b).

Policy A6

By every regional council developing regional targets to improve the quality of fresh water in specified rivers and lakes and contribute to achieving the national target in Appendix 6, and ensuring:

- a) draft regional targets are available to the public by 31 March 2018; and
- b) final regional targets are available to the public by 31 December 2018.

Policy A7

By every regional council considering, when giving effect to this national policy statement, how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits.

B. Water quantity

Objective B1

To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water.

Objective B2

To avoid any further over-allocation of fresh water and phase out existing over-allocation.

Objective B3

To improve and maximise the efficient allocation and efficient use of water.

Objective B4

To protect significant values of wetlands and of outstanding freshwater bodies.

Objective B5

To enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing fresh water quantity, within limits.

Policy B1

By every regional council making or changing regional plans to the extent needed to ensure the plans establish freshwater objectives in accordance with Policies CA1-CA4 and set environmental flows and/or levels for all freshwater management units in its region (except ponds and naturally ephemeral water bodies) to give effect to the objectives in this national policy statement, having regard to at least the following:

- a) the reasonably foreseeable impacts of climate change;
- b) the connection between water bodies; and
- c) the connections between freshwater bodies and coastal water.

Policy B2

By every regional council making or changing regional plans to the extent needed to provide for the efficient allocation of fresh water to activities, within the limits set to give effect to Policy B1.

Policy B3

By every regional council making or changing regional plans to the extent needed to ensure the plans state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water.

Policy B4

By every regional council identifying methods in regional plans to encourage the efficient use of water.

Policy B5

By every regional council ensuring that no decision will likely result in future over-allocation – including managing fresh water so that the aggregate of all amounts of fresh water in a freshwater management unit that are authorised to be taken, used, dammed or diverted does not over-allocate the water in the freshwater management unit.

Policy B6

By every regional council setting a defined timeframe and methods in regional plans by which over-allocation must be phased out, including by reviewing water permits and consents to help ensure the total amount of water allocated in the freshwater management unit is reduced to the level set to give effect to Policy B1.

Policy B7 and direction (under section 55) to regional councils

By every regional council amending regional plans (without using the process in Schedule 1) to the extent needed to ensure the plans include the following policy to apply until any changes under Schedule 1 to give effect to Policy B1 (allocation limits), Policy B2 (allocation), and Policy B6 (over-allocation) have become operative:

1. *When considering any application the consent authority must have regard to the following matters:*
 - a. *the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem and*
 - b. *the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.*
2. *This policy applies to:*
 - a. *any new activity and*
 - b. *change in the character, intensity or scale of any established activity – that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).*
3. *This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.”*

Policy B8

By every regional council considering, when giving effect to this national policy statement, how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits.

C. Integrated management

Objective C1

To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.

Policy C1

By every regional council:

- a) recognising the interactions, ki uta ki tai (from the mountains to the sea) between fresh water, land, associated ecosystems and the coastal environment; and
- b) managing fresh water and land use and development in catchments in an integrated and sustainable way to avoid, remedy or mitigate adverse effects, including cumulative effects.

Policy C2

By every regional council making or changing regional policy statements to the extent needed to provide for the integrated management of the effects of the use and development of:

- a) land on fresh water, including encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure; and
- b) land and fresh water on coastal water.

CA. National Objectives Framework

Objective CA1

To provide an approach to establish freshwater objectives for national values, and any other values, that:

- a) is nationally consistent; and
- b) recognises regional and local circumstances.

Policy CA1

By every regional council identifying freshwater management units that include all freshwater bodies within its region.

Policy CA2

By every regional council, through discussion with communities, including tangata whenua, applying the following processes in developing freshwater objectives for all freshwater management units:

- a) considering all national values and how they apply to local and regional circumstances;
- b) identifying the values for each freshwater management unit, which
 - i. must include the compulsory values; and
 - ii. may include any other national values or other values that the regional council considers appropriate (in either case having regard to local and regional circumstances); and
- c) identifying:
 - i. for the compulsory values or any other national value for which relevant attributes are provided in **Appendix 2**:
 - A. the attributes listed in Appendix 2 that are applicable to each value identified under Policy CA2(b) for the freshwater body type; and
 - B. any other attributes that the regional council considers appropriate for each value identified under Policy CA2(b) for the freshwater body type; and
 - iii. for any national value for which relevant attributes are not provided in **Appendix 2** or any other value, the attributes that the regional council considers appropriate for each value identified under Policy CA2(b) for the freshwater body type;
- d) for those attributes specified in Appendix 2, assigning an attribute state at or above the minimum acceptable state for that attribute;
- e) formulating freshwater objectives:
 - i. in those cases where an applicable numeric attribute state is specified in Appendix 2, in numeric terms by reference to that specified numeric attribute state; or
 - ii. in those cases where the attribute is not listed in Appendix 2, in numeric terms where practicable, otherwise in narrative terms;

- ii. in those cases where a freshwater objective seeks to maintain overall water quality in accordance with Objective A2, by every regional council ensuring:
 - A. where an attribute is listed in Appendix 2, that freshwater objectives are set at least within the same attribute state as existing freshwater quality; and
 - B. where an attribute is not listed in Appendix 2, that freshwater objectives are set so that values identified under Policy CA2(b) will not be worse off when compared to existing freshwater quality; and
 - iii. on the basis that, where an attribute applies to more than one value, the most stringent freshwater objective for that attribute is adopted; and
- f) considering the following matters at all relevant points in the process described in Policy CA2(a)-(e):
- iaa. how to improve the quality of fresh water so it is suitable for primary contact more often, unless regional targets established under Policy A6(b) have been achieved or naturally occurring processes mean further improvement is not possible;
 - iab. how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits;
 - i. the current state of the freshwater management unit, and its anticipated future state on the basis of past and current resource use, including community understandings of the health and well-being of the freshwater management unit;
 - ii. the spatial scale at which freshwater management units are defined;
 - iii. the limits that would be required to achieve the freshwater objectives;
 - iv. any choices between the values that the formulation of freshwater objectives and associated limits would require;
 - v. any implications for resource users, people and communities arising from the freshwater objectives and associated limits including implications for actions, investments, ongoing management changes and any social, cultural or economic implications;
 - vi. the timeframes required for achieving the freshwater objectives, including the ability of regional councils to set long timeframes for achieving targets; and
 - vii. such other matters relevant and reasonably necessary to give effect to the objectives and policies in this national policy statement, in particular Objective AA1 and Objective A2.

Policy CA3

By every regional council ensuring that freshwater objectives for the compulsory values are set at or above the national bottom lines for all freshwater management units, unless the existing freshwater quality of the freshwater management unit is already below the national bottom line for an attribute or attributes and the regional council considers it appropriate to set the freshwater objective below the national bottom line for an attribute or attributes because:

- a) the existing freshwater quality is caused by naturally occurring processes; or
- b) any of the existing significant infrastructure (that was operational on 1 August 2014) listed in Appendix 3 contributes to the existing freshwater quality; and
 - i) it is necessary to realise the benefits provided by the listed infrastructure; and
 - ii) it applies only to the waterbody, water bodies or any part of a waterbody, where the listed infrastructure contributes to the existing water quality.

Policy CA4

A regional council may set a freshwater objective below a national bottom line on a transitional basis for the freshwater management units and for the periods of time specified in Appendix 4.

CB. Monitoring plans

Objective CB1

To provide for an approach to the monitoring of progress towards, and the achievement of, freshwater objectives and the values identified under Policy CA2(b).

Policy CB1

By every regional council developing a monitoring plan that:

- a) establishes methods for monitoring progress towards, and the achievement of, freshwater objectives established under Policies CA1-CA4;
- aa) establishes methods for monitoring the extent to which the values identified under Policy CA2(b) are being provided for in a freshwater management unit. These methods must at least include:
 - i. surveillance monitoring of microbial health risks to people at primary contact sites in accordance with Appendix 5;
 - ii. the monitoring of macroinvertebrate communities;
 - iii. measures of the health of indigenous flora and fauna;
 - iv. information obtained under Policy CB1(a) and Policy CC1; and
 - v. Mātauranga Māori.
- b) identifies a site or sites at which monitoring will be undertaken that are representative for each freshwater management unit; and
- c) recognises the importance of long-term trends in monitoring results and the relationship between results and the overall state of fresh water in a freshwater management unit.

Policy CB2

By every regional council establishing methods, for example, action plans, for responding to monitoring that indicates freshwater objectives will not be met and/or values will not be provided for in a freshwater management unit.

Policy CB3

By every regional council:

- a) using the Macroinvertebrate Community Index;
- b) establishing methods under Policy CB2 to respond to a Macroinvertebrate Community Index score below 80, or a declining trend; and
- c) ensuring that methods:
 - i. investigate the causes of declining trends or the Macroinvertebrate Community Index score below 80;
 - ii. seek to halt declining trends; and
 - iii. seek to improve on a Macroinvertebrate Community Index score if it is below 80, unless this is caused by naturally occurring processes, pest or unwanted organism, or by infrastructure listed in Appendix 3.

Policy CB4

By every regional council taking reasonable steps to ensure that information gathered in accordance with Policy CB1 is available to the public regularly and in a suitable form.

CC. Accounting for freshwater takes and contaminants

Objective CC1

To improve information on freshwater takes and sources of freshwater contaminants, in order to:

- a) ensure the necessary information is available for freshwater objective and limit setting and freshwater management under this national policy statement; and
- b) ensure information on resource availability is available for current and potential resource users.

Policy CC1

By every regional council:

- a) establishing and operating a freshwater quality accounting system and a freshwater quantity accounting system for those freshwater management units where they are setting or reviewing freshwater objectives and limits in accordance with Policy A1, Policy B1, and Policies CA1-CA4; and
- b) maintaining a freshwater quality accounting system and a freshwater quantity accounting system at levels of detail that are commensurate with the significance of the freshwater quality and freshwater quantity issues, respectively, in each freshwater management unit.

Policy CC2

By every regional council taking reasonable steps to ensure that information gathered in accordance with Policy CC1 is available to the public, regularly and in a suitable form, for the freshwater management units where they are setting or reviewing, and where they have set or reviewed, freshwater objectives and limits in accordance with Policy A1, Policy B1, and Policies CA1-CA4.

Objective CC1 and Policies CC1 and CC2 will take effect 24 months from the date of entry into effect of the National Policy Statement for Freshwater Management 2014.

D. Tangata whenua roles and interests

Objective D1

To provide for the involvement of iwi and hapū, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

Policy D1

Local authorities shall take reasonable steps to:

- a) involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;
- b) work with iwi and hapū to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region; and
- c) reflect tangata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.

E. Progressive implementation programme

Policy E1

- a) This policy applies to the implementation by a regional council of a policy of this national policy statement.
- b) Every regional council is to implement the policy as promptly as is reasonable in the circumstances, and so it is fully completed by no later than 31 December 2025.
- ba) A regional council may extend the date in Policy E1(b) to 31 December 2030 if it considers that:
 - i. meeting that date would result in lower quality planning; or
 - ii. it would be impracticable for it to complete implementation of a policy by that date.
- c) Where a regional council is satisfied that it is impracticable for it to complete implementation of a policy fully by 31 December 2015, the council may implement it by a programme of defined time-limited stages by which it is to be fully implemented by 31 December 2025 or 31 December 2030 if Policy E1(ba) applies.
- d) Any programme of time-limited stages is to be formally adopted by the council by 31 December 2015 and publicly notified.
- e) Where a regional council has adopted a programme of staged implementation, it is to publicly report, in every year, on the extent to which the programme has been implemented.
- f) Any programme adopted under Policy E1 (c) of the National Policy Statement for Freshwater Management 2011 or under E1(c) of the National Policy Statement for Freshwater Management 2014 by a regional council is to be reviewed, revised if necessary, and formally adopted by the regional council by 31 December 2018, and publicly notified.
- g) Every regional council must, at intervals of not more than five years, compile and make available to the public a review of the improvements to specified rivers and lakes, and primary contact sites, made in giving effect to Policy A5.

Appendix 1: National values and uses for fresh water

COMPULSORY NATIONAL VALUES

Ecosystem health – The freshwater management unit supports a healthy ecosystem appropriate to that freshwater body type (river, lake, wetland, or aquifer).

In a healthy freshwater ecosystem ecological processes are maintained, there is a range and diversity of indigenous flora and fauna, and there is resilience to change.

Matters to take into account for a healthy freshwater ecosystem include the management of adverse effects on flora and fauna of contaminants, changes in freshwater chemistry, excessive nutrients, algal blooms, high sediment levels, high temperatures, low oxygen, invasive species, and changes in flow regime. Other matters to take into account include the essential habitat needs of flora and fauna and the connections between water bodies.

Human health for recreation – In a healthy waterbody, people are able to connect with the water through a range of activities such as swimming, waka, boating, fishing, mahinga kai and water-skiing, in a range of different flows.

Matters to take into account for a healthy waterbody for human use include pathogens, clarity, deposited sediment, plant growth (from macrophytes to periphyton to phytoplankton), cyanobacteria and other toxicants.

OTHER NATIONAL VALUES

Natural form and character – Where people value particular natural qualities of the freshwater management unit.

Matters contributing to the natural form and character of a freshwater management unit are its biological, visual and physical characteristics that are valued by the community, including:

- i. its biophysical, ecological, geological, geomorphological and morphological aspects;
- ii. the natural movement of water and sediment including hydrological and fluvial processes;
- iii. the location of the water body relative to its natural course;
- iv. the relative dominance of indigenous flora and fauna;
- v. the presence of culturally significant species;
- vi. the colour of the water; and
- vii. the clarity of the water.

They may be freshwater management units with exceptional, natural, and iconic aesthetic features.

Mahinga kai – Kai are safe to harvest and eat.

Mahinga kai generally refers to indigenous freshwater species that have traditionally been used as food, tools, or other resources. It also refers to the places those species are found and to the act of catching them. Mahinga kai provide food for the people of the rohe and these sites give an indication of the overall health of the water.

For this value, kai would be safe to harvest and eat. Transfer of knowledge would occur about the preparation, storage and cooking of kai. In freshwater management units that are used for providing mahinga kai, the desired species are plentiful enough for long-term harvest and the range of desired species is present across all life stages.

Mahinga kai – Kei te ora te mauri (the mauri of the place is intact).

For this value, freshwater resources would be available and able to be used for customary use. In freshwater management units that are valued for providing mahinga kai, resources would be available for use, customary practices able to be exercised to the extent desired, and tikanga and preferred methods are able to be practised.

Fishing – The freshwater management unit supports fisheries of species allowed to be caught and eaten.

For freshwater management units valued for fishing, the numbers of fish would be sufficient and suitable for human consumption. In some areas, fish abundance and diversity would provide a range in species and size of fish, and algal growth, water clarity and safety would be satisfactory for fishers. Attributes will need to be specific to fish species such as salmon, trout, eels, lamprey, or whitebait.

Irrigation, cultivation and food production – The freshwater management unit meets irrigation needs for any purpose.

Water quality and quantity would be suitable for irrigation needs, including supporting the cultivation of food crops, the production of food from domesticated animals, non-food crops such as fibre and timber, pasture, sports fields and recreational areas. Attributes will need to be specific to irrigation and food production requirements.

Animal drinking water – The freshwater management unit meets the needs of stock.

Water quality and quantity would meet the needs of stock, including whether it is palatable and safe.

Wai tapu – Wai tapu represent the places where rituals and ceremonies are performed, or where there is special significance to iwi/hapū.

Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of raahui), whakanoa (removal of raahui), and tuku iho (gifting of knowledge and resources for future generations).

In providing for this value, the wai tapu would be free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.

Water supply – The freshwater management unit can meet people's potable water needs.

Water quality and quantity would enable domestic water supply to be safe for drinking with, or in some areas without, treatment.

Commercial and industrial use – The freshwater management unit provides economic opportunities to people, businesses and industries.

Water quality and quantity can provide for commercial and industrial activities. Attributes will need to be specific to commercial or industrial requirements.

Hydro-electric power generation – The freshwater management unit is suitable for hydro electric power generation.

Water quality and quantity and the physical qualities of the freshwater management unit, including hydraulic gradient and flow rate, can provide for hydro-electric power generation.

Transport and tauranga waka – The freshwater management unit is navigable for identified means of transport.

Transport and tauranga waka generally refers to places to launch waka and water craft, and appropriate places for waka to land (tauranga waka).

Water quality and quantity in the freshwater management unit would provide for navigation. The freshwater management unit may also connect places and people including for traditional trails and rites of passage, and allow the use of various craft.

Appendix 2: Attribute tables

Value	Ecosystem health		
Freshwater Body Type	Lakes		
Attribute	Phytoplankton (Trophic state)		
Attribute Unit	mg/m ³ (milligrams chlorophyll-a per cubic metre)		
Attribute State	Numeric Attribute State		Narrative Attribute State
	Annual Median	Annual Maximum	
A	≤2	≤10	Lake ecological communities are healthy and resilient, similar to natural reference conditions.
B	>2 and ≤5	>10 and ≤25	Lake ecological communities are slightly impacted by additional algal and/or plant growth arising from nutrient levels that are elevated above natural reference conditions.
C	>5 and ≤12	>25 and ≤60	Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions. Reduced water clarity is likely to affect habitat available for native macrophytes.
National Bottom Line	12	60	

D	>12	>60	Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.
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Note: For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.

Value	Ecosystem health		
Freshwater Body Type	Lakes		
Attribute	Total Nitrogen (Trophic state)		
Attribute Unit	mg/m ³ (milligrams per cubic metre)		
Attribute State	Numeric Attribute State		Narrative Attribute State
	Annual Median	Annual Median	
	Seasonally Stratified and Brackish	Polymictic	
A	≤160	≤300	Lake ecological communities are healthy and resilient, similar to natural reference conditions.
B	>160 and ≤350	>300 and ≤500	Lake ecological communities are slightly impacted by additional algal and/or plant growth arising from nutrient levels that are elevated above natural reference conditions.

C	>350 and ≤750	>500 and ≤800	Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions.
National Bottom Line	750	800	
D	>750	>800	Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state, (without native macrophyte/seagrass cover) due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.

Note: For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.

Value	Ecosystem health	
Freshwater Body Type	Lakes	
Attribute	Total Phosphorus (Trophic state)	
Attribute Unit	mg/m ³ (milligrams per cubic metre)	
Attribute State	Numeric Attribute State	Narrative Attribute State
	Annual Median	
A	≤10	Lake ecological communities are healthy and resilient, similar to natural reference conditions.
B	>10 and ≤20	Lake ecological communities are slightly impacted by additional algal and plant growth arising from nutrient levels that are elevated above natural reference conditions.

C	>20 and ≤50	Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions.
National Bottom Line	50	
D	>50	Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.

Note: For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.

Value	Ecosystem health		
Freshwater Body Type	Rivers		
Attribute	Periphyton (Trophic state)		
Attribute Unit	mg chl-a/m ² (milligrams chlorophyll-a per square metre)		
Attribute State	Numeric Attribute State (Default Class)	Numeric Attribute State (Productive Class)¹	Narrative Attribute State
	Exceeded no more than 8% of samples²	Exceeded no more than 17% of samples²	
A	≤50	≤50	Rare blooms reflecting negligible nutrient enrichment and/or alteration of the natural flow regime or habitat.
B	>50 and ≤120	>50 and ≤120	Occasional blooms reflecting low nutrient enrichment and/or alteration of the natural flow regime or habitat.
C	>120 and ≤200	>120 and ≤200	Periodic short-duration nuisance blooms reflecting moderate nutrient enrichment and/or alteration of the natural flow regime or habitat.
National Bottom Line	200	200	

D	>200	>200	Regular and/or extended-duration nuisance blooms reflecting high nutrient enrichment and/or significant alteration of the natural flow regime or habitat.
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1. Classes are streams and rivers defined according to types in the River Environment Classification (REC). The Productive periphyton class is defined by the combination of REC “Dry” Climate categories (i.e. Warm-Dry (WD) and Cool-Dry (CD)) and REC Geology categories that have naturally high levels of nutrient enrichment due to their catchment geology (i.e. Soft-Sedimentary (SS), Volcanic Acidic (VA) and Volcanic Basic (VB)). Therefore the productive category is defined by the following REC defined types: WD/SS, WD/VB, WD/VA, CD/SS, CD/VB, CD/VA. The Default class includes all REC types not in the Productive class.

2. Based on a monthly monitoring regime. The minimum record length for grading a site based on periphyton (chl-a) is 3 years.

Note: To achieve a freshwater objective for periphyton within a freshwater management unit, regional councils must at least set appropriate instream concentrations and exceedance criteria for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorus (DRP). Where there are nutrient sensitive downstream receiving environments, criteria for nitrogen and phosphorus will also need to be set to achieve the outcomes sought for those environments.

Regional councils must use the following process, in the following order, to determine instream nitrogen and phosphorus criteria in a freshwater management unit:

- a) either –
 - i) if the freshwater management unit supports, or could support, conspicuous periphyton, derive instream concentrations and exceedance criteria for DIN and DRP to achieve a periphyton objective for the freshwater management unit; or
 - ii) if the freshwater management unit does not support, and could not support, conspicuous periphyton, consider the nitrogen and phosphorus criteria (instream concentrations or instream loads) needed to achieve any other freshwater objectives:
- b) if there are nutrient sensitive downstream environments, for example, a lake and/or estuary, derive relevant nitrogen and phosphorus criteria (instream concentrations or instream loads) needed to achieve the outcomes sought for those sensitive downstream environments:
- c) compare all nitrogen and phosphorus criteria derived in steps (a) – (b) and adopt those necessary to achieve the freshwater objectives for the freshwater management unit and outcomes sought for the nutrient sensitive downstream environments.

Value	Ecosystem health		
Freshwater Body Type	Rivers		
Attribute	Nitrate (Toxicity)		
Attribute Unit	mg NO ₃ -N/L (milligrams nitrate-nitrogen per litre)		
Attribute State	Numeric Attribute State		Narrative Attribute State
	Annual Median	Annual 95th Percentile	
A	≤1.0	≤1.5	High conservation value system. Unlikely to be effects even on sensitive species.
B	>1.0 and ≤2.4	>1.5 and ≤3.5	Some growth effect on up to 5% of species.
C	>2.4 and ≤6.9	>3.5 and ≤9.8	Growth effects on up to 20% of species (mainly sensitive species such as fish). No acute effects.
National Bottom Line	6.9	9.8	
D	>6.9	>9.8	Impacts on growth of multiple species, and starts approaching acute impact level (ie risk of death) for sensitive species at higher concentrations (>20 mg/L).

Note: This attribute measures the toxic effects of nitrate, not the trophic state. Where other attributes measure trophic state, for example periphyton, freshwater objectives, limits and/or methods for those attributes will be more stringent.

Value	Ecosystem health		
Freshwater Body Type	Lakes and rivers		
Attribute	Ammonia (Toxicity)		
Attribute Unit	mg NH ₄ -N/L (milligrams ammoniacal-nitrogen per litre)		
Attribute State	Numeric Attribute State		Narrative Attribute State
	Annual Median*	Annual Maximum*	
A	≤0.03	≤0.05	99% species protection level: No observed effect on any species tested
B	>0.03 and ≤0.24	>0.05 and ≤0.40	95% species protection level: Starts impacting occasionally on the 5% most sensitive species
C	>0.24 and ≤1.30	>0.40 and ≤2.20	80% species protection level: Starts impacting regularly on the 20% most sensitive species (reduced survival of most sensitive species)
National Bottom Line	1.30	2.20	
D	>1.30	>2.20	Starts approaching acute impact level (ie risk of death) for sensitive species

* Based on pH 8 and temperature of 20°C.

Compliance with the numeric attribute states should be undertaken after pH adjustment.

Value	Ecosystem health		
Freshwater Body Type	Rivers (below point sources)		
Attribute	Dissolved Oxygen		
Attribute Unit	mg/L (milligrams per litre)		
Attribute State	Numeric Attribute State		Narrative Attribute State
	7-day mean minimum ¹ (Summer Period: 1 November to 30th April)	1-day minimum ² (Summer Period: 1 November to 30th April)	
A	≥8.0	≥7.5	No stress caused by low dissolved oxygen on any aquatic organisms that are present at matched reference (near-pristine) sites.
B	≥7.0 and <8.0	≥5.0 and <7.5	Occasional minor stress on sensitive organisms caused by short periods (a few hours each day) of lower dissolved oxygen. Risk of reduced abundance of sensitive fish and macroinvertebrate species.
C	≥5.0 and <7.0	≥4.0 and <5.0	Moderate stress on a number of aquatic organisms caused by dissolved oxygen levels exceeding preference levels for periods of several hours each day. Risk of sensitive fish and macroinvertebrate species being lost.
National Bottom Line	5.0	4.0	

D	<5.0	<4.0	Significant, persistent stress on a range of aquatic organisms caused by dissolved oxygen exceeding tolerance levels. Likelihood of local extinctions of keystone species and loss of ecological integrity.
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1. The mean value of 7 consecutive daily minimum values.
2. The lowest daily minimum across the whole summer period.

Value	Human health for recreation				
Freshwater Body Type	Lakes and rivers				
Attribute	<i>Escherichia coli</i> (<i>E. coli</i>)				
Attribute Unit	<i>E. coli</i> /100 mL (number of <i>E. coli</i> per hundred millilitres)				
Attribute State^{1,2}	Numeric Attribute State				Narrative Attribute State
	% exceedances over 540 cfu/100 mL	% exceedances over 260 cfu/100 mL	Median concentration (cfu/100 mL)	95th percentile of <i>E. coli</i> /100 mL	Description of risk of Campylobacter infection (based on <i>E. coli</i> indicator)
A (Blue)	<5%	<20%	≤130	≤540	For at least half the time, the estimated risk is <1 in 1000 (0.1% risk) The predicted average infection risk is 1%*
B (Green)	5-10%	20-30%	≤130	≤1000	For at least half the time, the estimated risk is <1 in 1000 (0.1% risk) The predicted average infection risk is 2%*
C (Yellow)	10-20%	20-34%	≤130	≤1200	For at least half the time, the estimated risk is <1 in 1000 (0.1% risk) The predicted average infection risk is 3%*
D (Orange)	20-30%	>34%	>130	>1200	20-30% of the time the estimated risk is ≥50 in 1000 (>5% risk) The predicted average infection risk is >3%*

E (Red)	>30%	>50%	>260	>1200	For more than 30% of the time the estimated risk is ≥ 50 in 1000 (>5% risk) The predicted average infection risk is >7%*
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* The predicted average infection risk is the overall average infection to swimmers based on a random exposure on a random day, ignoring any possibility of not swimming during high flows or when a surveillance advisory is in place (assuming that the *E. coli* concentration follows a lognormal distribution). Actual risk will generally be less if a person does not swim during high flows.

¹ Attribute state should be determined by using a minimum of 60 samples over a maximum of 5 years, collected on a regular basis regardless of weather and flow conditions. However, where a sample has been missed due to adverse weather or error, attribute state may be determined using samples over a longer timeframe.

² Attribute state must be determined by satisfying all numeric attribute states.

Value	Human health for recreation	
Freshwater Body Type	Lakes and lake fed rivers	
Attribute	<i>Cyanobacteria – Planktonic</i>	
Attribute Unit	<i>Biovolume - mm³/L (cubic millimetres per litre)</i>	
Attribute State	Numeric Attribute State	Narrative Attribute State
	80th percentile*	
A (Blue)	≤0.5 mm ³ /L biovolume equivalent for the combined total of all cyanobacteria	Risk exposure from cyanobacteria is no different to that in natural conditions (from any contact with fresh water).
B (Green)	>0.5 and ≤1.0 mm ³ /L biovolume equivalent for the combined total of all cyanobacteria	Low risk of health effects from exposure to cyanobacteria (from any contact with fresh water).
C (Yellow)	>1.0 and ≤1.8 mm ³ /L biovolume equivalent of potentially toxic cyanobacteria OR >1.0 and ≤10 mm ³ /L total biovolume of all cyanobacteria	Moderate risk of health effects from exposure to cyanobacteria (from any contact with fresh water).
National Bottom Line	1.8 mm ³ /L biovolume equivalent of potentially toxic cyanobacteria OR 10 mm ³ /L total biovolume of all cyanobacteria	
D (Orange/Red)	>1.8 mm ³ /L biovolume equivalent of potentially toxic cyanobacteria OR >10 mm ³ /L total biovolume of all cyanobacteria	High health risks (eg. respiratory, irritation and allergy symptoms) exist from exposure to cyanobacteria (from any contact with fresh water).

* The 80th percentile must be calculated using a minimum of 12 samples collected over 3 years. 30 samples collected over 3 years is recommended.

Appendix 3: Existing infrastructure for the purposes of Policy CA3(b) and Policy CB3(c)

[Editor's note: This appendix is currently empty.]

Appendix 4: Freshwater management units and periods of time for transition under Policy CA4

[Editor's note: This appendix is currently empty.]

Appendix 5: Surveillance monitoring of *E. coli* at primary contact sites

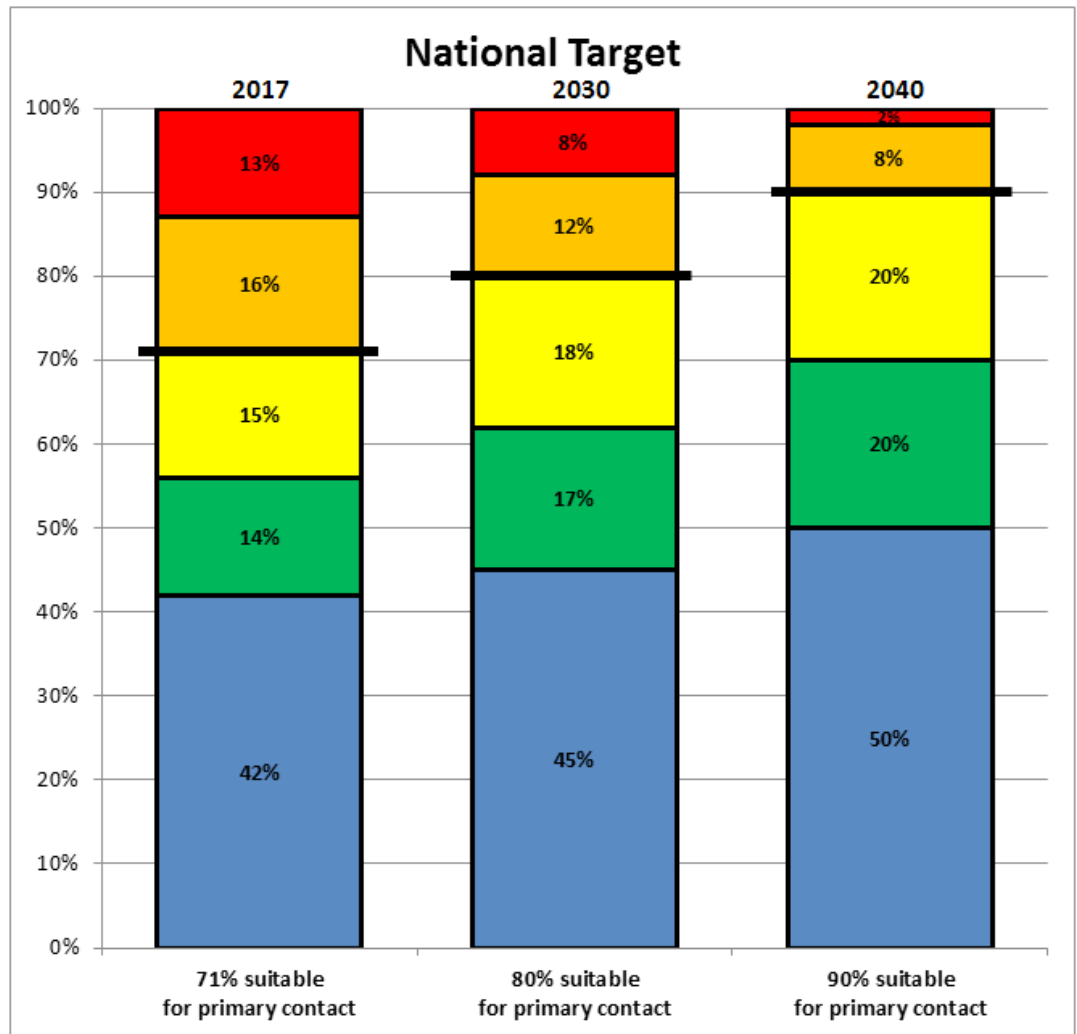
Surveillance monitoring requirements for *E. coli*

Where a regional plan has identified primary contact sites, the regional council will:

- a) For each identified primary contact site, identify the date range or date ranges and flow conditions within which it is or would be used for primary contact;
- b) Identify a sampling site (or sites) that is representative of the primary contact site (or primary contact sites); and
- c) For each sampling site, and within the date range or date ranges identified in (a) undertake weekly sampling for *E. coli*, unless;
 - i. a single sample from a sampling site is greater than 260 *E. coli* per 100 mL, in which case, increase sampling frequency to daily where practicable, and take all reasonable steps to identify potential causes of microbiological contamination; and
 - ii. a single sample is greater than 540 *E. coli* per 100 mL, in which case take all reasonable steps to notify, and keep the public informed, that the site is unsuitable for recreation until further sampling shows a result of 540 *E. coli* per 100 mL or less.

APPENDIX 6: National target for water quality improvement

The national target is to increase proportions of specified rivers and lakes that are suitable for primary contact (those that are in the **blue**, **green** and **yellow** categories) to at least 80% by 2030, and 90% no later than 2040, but also to improve water quality across all categories.



The categories above represent combined improvements in all regions. For each region, this means reducing the length of specified rivers and lakes in the **red** and **orange** categories, and increasing the length of specified rivers and lakes in the **yellow**, **green** and **blue** categories.

The categories are based on water quality in terms of the two human health attributes, *E. coli* and cyanobacteria – planktonic in Appendix 2 of this national policy statement.

For rivers and lakes, the target categories are same as the *E. coli* table attribute states. However, the categories do not include the 95th percentile of *E. coli*/100 mL numeric attribute state if there is insufficient monitoring data to establish the 95th percentile.

For lakes, the categories are also based on the cyanobacteria – planktonic attribute states, however, to provide additional granularity for tracking improvements over time, the D band has been split into two categories (**orange** and **red**) as follows:

- a. **orange** means the lake has between 1.8 and 3.0 mm³/L biovolume of cyanobacteria – planktonic, using an 80th percentile; and
- b. **red** means the lake has more than 3.0 mm³/L biovolume of cyanobacteria – planktonic, using an 80th percentile.

For lakes, the lowest category for either *E. coli* or cyanobacteria – planktonic applies.

Reprint notes

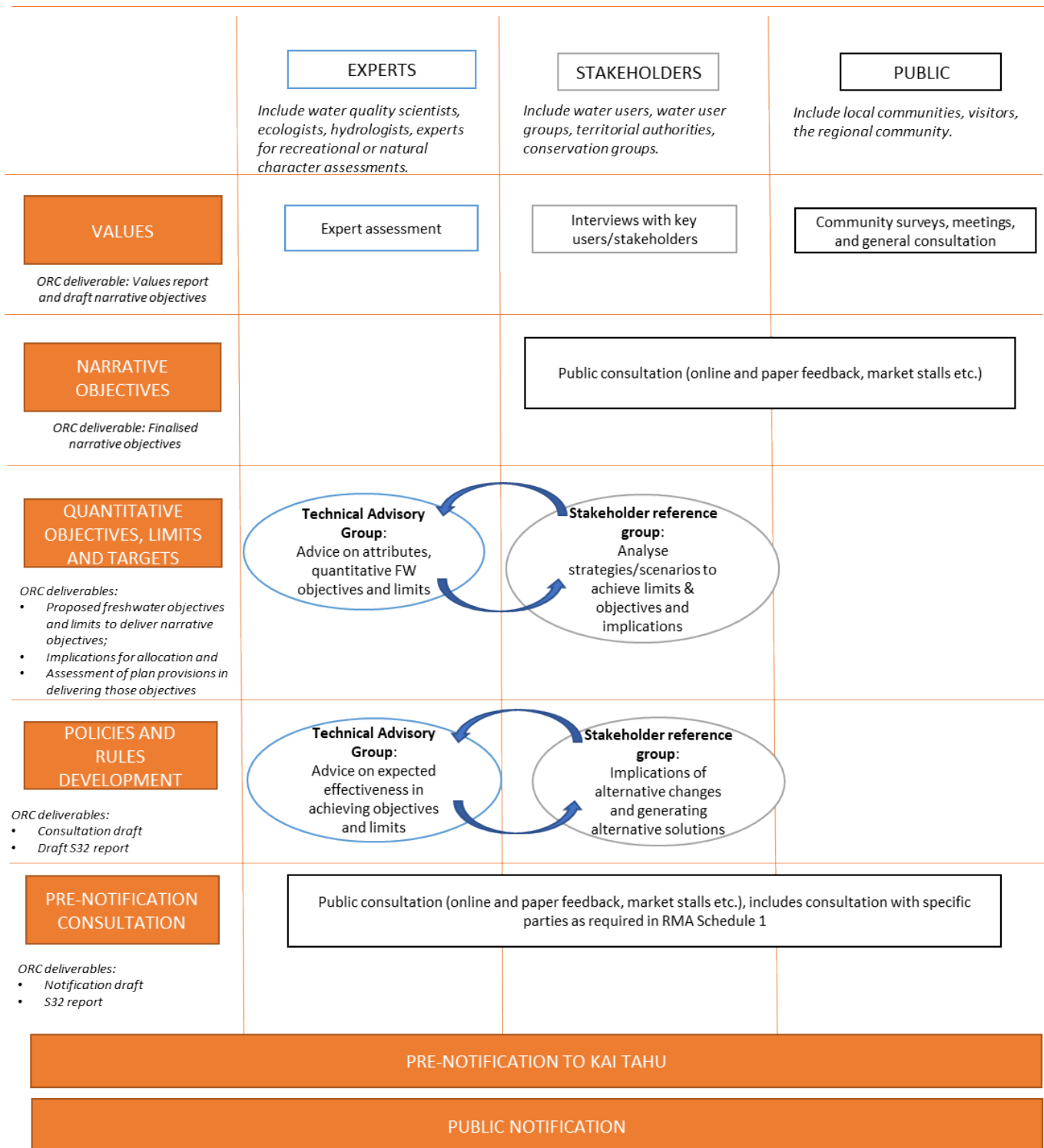
1 General

This is a reprint of the National Policy Statement for Freshwater Management 2014 that incorporates all the amendments to the National Policy Statement as at the date of the last amendment to it.

2 Amendments incorporated in this reprint

National Policy Statement for Freshwater Management Amendment Order 2017, as published in the *New Zealand Gazette*, 10 August 2017, Editon 81, page 1.

Attachment 3: Proposed standard engagement process



Attachment 1 – Key Adjustments to Year 2 of the 2018-28 Long-term Plan

Significant Activity	Activity	Adjustment	Funding impact
Planning	Freshwater Planning	<p>Councils approach to fresh water is shifting reflecting:</p> <ul style="list-style-type: none"> • The new government policy framework • A revised position on the compliance of our Regional Plan: Water, resulting in a commitment to a full Water Plan Review • A catchment or fresh water management unit approach 	<p>185k additional expenditure</p> <p>General rates funded</p>
	Urban Development Strategy	<p>Council has a partially operative Regional Policy Statement that does include policy direction for urban development. It does not however fully implement the National Policy Statement for Development Capacity.</p> <p>Urban development is arguably one of the biggest emerging issues for Council. In 2019/20 we need to:</p> <ul style="list-style-type: none"> • Address gaps in our Regional Policy Statement • Review capability • Determine shared responsibilities • Increase capacity to manage land use change and growth. 	<p>344k additional expenditure</p> <p>General rates funded</p>
Air	Air Strategy Implementaton	<p>Council’s Air Quality Strategy, which was adopted in 27 June 2018, and the launch of a new heating subsidy by EECA (as part of Warmer Kiwi Homes) created the need to review Council’s Clean Heat Clean Air programme.</p> <p>This review will be done in stages, with in the short term, a strategic realignment of the subsidy, within the current Long-Term Plan funding.</p> <p>A more comprehensive review of alternative types of subsidies, and future funding sources, will be undertaken in future years.</p> <p>A small increase in funding has been budgeted to enable pilot research work related to community engagement on ‘Clean Heat Clean Air’.</p>	<p>57k additional expenditure</p> <p>General rates funded</p>
Biodiversity	Wilding Pines	Increase in the Wilding Pine Control programme	1784k additional Grant Funding via

			Ministry Primary Industries
Regulatory	Incidents	Increase the team to better cope with the increasing number of incidents	207k additional expenditure General rate funded
	Consents	Increasing activity	Increase in budgeted recovery of costs
	Compliance Monitoring		
Flood and River management		Reviews and recent floods resulted in the following additional priority work being identified	
	Lower Clutha	The key project is Flood Forecasting & reassessment of the flood protection scheme, via hydraulic modelling	67k additional expenditure Reserve funded
	Lower Taieri	Riverside Road Spillway	171k additional expenditure Reserve funded
	West Taieri	Various engineering projects: <ul style="list-style-type: none"> • Bridge repair (contour drain) • Waipori Pump Station drives • Drainage or channel improvements 	453k additional expenditure Reserve funded
	River Management Dunedin	Provision for repairs and further assessment of Kaikoria Stream Infrastructure. Initial repairs are proposed for the Kaikoria Stilling Basin	600k additional reserve funding
	Leith	Completion of the Dundas Bridge (July 2019) Complete approved Lower Leith amenity work Develop Upper Leith Amenity proposals	304k additional expenditure Reserve funded
Safety & Hazards	Climate Change Adaptation	Speed-up completion of the existing LTP work programme including: <ul style="list-style-type: none"> • Risk assessment work • South Dunedin research This work will inform consideration of climate change matters for the next LTP.	316k additional expenditure General rates funded
Transport	Stock truck effluent disposal	State Highway 8 Tarris Lindis Peaks Straight	Grant & Reserve funded

Annual Plan communications and engagement approach

Background

The Council is currently considering its draft 2019 – 2020 annual plan and any associated rates rise needed to fund its activity in the year ahead.

Advice from officials is that the Council does not need to formally consult on the annual plan this year as changes from the long-term plan are not deemed significant. We are recommending Council instead take an informal engagement approach, and contextualise any general rate increase within the context of what the Council does and what we're doing to enhance Otago's environment.

Objective

Showcase the work ORC does to help ratepayers understand the value of our work and build their support for a general rate rise.

Audience

Primary: Ratepayers of Otago

Secondary: All residents of Otago

Opportunities

- To showcase ORC's four priorities – water, urban development, climate change and biodiversity
- To provide our community an opportunity to engage with our organisation and councillors in an informal way
- To help people understand how rates and planning processes work within our organisation

Risks

- Community feel they haven't had input without formal consultation
- Public not happy about general rate increase

Tactics

Refer to calendar below for schedule of activity.

1. Take the council to the community events

Taking our councillors to the people – by taking the council to the community we aim to attract more people to speak with us about what is happening in the coming year, by creating opportunities for engagement outside the formalities and restrictions of formal annual plan consultation.

In each territory of Otago there are different concerns, therefore councillors will be prepared to have those conversations. FAQs will be provided for each specific territory. e.g. Queenstown Lakes - the main concerns are around water quality, Lake Hayes and public transport.

Councillors will be briefed on the specific concerns for each territory.

2. Bringing the community to the council events

Formal meetings – Council Chambers and a Cromwell meeting.

Provide our larger stakeholders/community groups with a forum to speak with councillors, including industry groups, community groups, TAs and the public. Meet with our iwi partners separately.

3. Brochure

Topics to include:

- Water
- Climate change
- Biodiversity
- Urban development
- How much are rates? (include: total general rates minus investments/other funding = your general rates)
- What do your rates pay for?

4. ORC branding video

Outline ORC's values, including our four priorities. This video can be used outside of this campaign to continue to communicate what ORC does with our community.

- Water
- Biodiversity
- Urban development
- Climate change
- Pollution
- Public Transport

5. YourSay suggestion box

An online suggestion box to ensure the community is given a year-round forum to provide their feedback for how they think we should be working towards a better Otago.

To let the community know they can tell us what their priorities are throughout the entire year, so we can incorporate into the annual planning and long-term planning processes.

This tool will be available and promoted to the community on an ongoing basis.

How we will promote this - "Your suggestions help guide us on what your priorities are regarding Otago's environment and public transport networks"

6. Media Releases/interviews

Media releases and interviews will be arranged throughout the campaign. Councillors may be called upon for interviews and we will work with them to ensure they are briefed, in particular on the general rates increase.

7. Social media

General posts and 'boosted' posts (similar to paid advertising but highly targeted). Posts in our various social media channels with links to:

- Value proposition video
- Take the council to the community events
- Bring the community to the council events
- Education messaging on what rates are, general vs targeted
- Education messaging on where our funding comes from

Key messages

ORC has defined four priorities to focus on - these are water, biodiversity, climate change and urban development.

We want to share our work programmes with you and plan to be at events you'll be at too; come and talk with us.

We are listening to our communities. Last year's long-term plan indicated a rate rise for everyone in Otago for the 2019 – 20 annual plan. Ratepayers supported the move to pay higher general rates for us to undertake more enhancements in our region.

While there is no formal consultation process or hearings, we are collecting your feedback and will take it into consideration prior to signing off the annual plan.

These are some of the reasons for the rate increase:

- Climate change: Fast-tracking the South Dunedin project to ensure we have the data required to help inform local council on their potential infrastructure requirements
- Urban development strategy: putting policies in place to ensure the environment flourishes alongside Otago's growing population.
- Reduced Port Otago dividend: the special payments (in addition to the annual dividend to ORC) to offset the rate increases over the past two financial years have come to an end.

Our gross general rate minus Port Otago funds equals net general rates.

Activity calendar

The Communications and Engagement team will work with councillors to bring together a single program that works best logistically (allowing for other commitments such as councillor annual leave and pest plan hearings):

Red = Public holidays

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		3 April Council meeting to approve engagement strategy	4 April	5 April	6 April South Dunedin Street Festival	7 April
8 April	9 April	10 April	11 April	12 April Alexandra Food & Produce market	13 April Remarkables Market	14 April Clutha Community drop in – Balclutha
15 April Bring the community to the council – Phillip Laing House	16 April	17 April Bring the community to the council - Cromwell	18 April	19 April	20 April	21 April
22 April	23 April	24 April	25 April	26 April	27 April Wild Dunedin – Leith Walk stand	28 April Wild Dunedin – Only Drain Rain stand
29 April	30 April	1 May	2 May	3 May	4 May Otago Farmers Market DUD	5 May Oamaru Farmers' Market

(Note: there are no suitable community events in South Otago so we will arrange a community drop-in before the flood protection scheme meeting)

Other engagement opportunities:

- Taieri and Clutha flood scheme drop ins – week beginning 6 May
- Air quality strategy implementation
- Lake Hayes remediation
- STED locations
- Other relevant events throughout the year

Measurement

- Engagement with the community – how many people engage with our councillors at market days/community events and come along to the formal meetings, view our branding video
- Our community accepts the general rate rise with less than 5% of ratepayer complaints
- Our community provides helpful suggestions on YourSay that can be fed into the annual planning process, rather than telling us we don't do anything or providing negative feedback

- Our community understands our priorities and the work we're doing within these areas – we plan to do a community survey in the first half of 2020, with the goal of 70% of responders understanding what we do

Next steps

This is an ongoing campaign, with a heavy focus in April.

3 Apr	Council meeting to approve community engagement approach
4 Apr – 5 May	Concentrated community engagement
26 Jun	Council adopt 2019 – 20 annual plan
1 Jul	Annual plan effective
Jul – Oct	Social media and media releases – priorities and rates breakdown
Oct	Information pack included with rates bill
Nov – onwards	Continued updates on social media and media releases educating the public on council planning processes throughout the year

SIGNIFICANCE and ENGAGEMENT POLICY

1 July 2017

A668088

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, 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.

Financial 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.

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 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 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

The flood protection and drainage schemes, managed as a whole, are considered to be strategic. However not all trading decisions made about these assets are regarded as significant, nor do they affect the asset's strategic nature, e.g., the Lower Taieri Flood Protection Scheme is strategic, but some bridges within the scheme area may not be, and the purchase or sale of such bridges may not amount to a significant decision.

Acquisition or disposal of a component of a strategic asset will not trigger this provision, unless it is considered that the component is an integral part of the strategic asset and that its acquisition or disposal would substantially affect the operation of the strategic asset.