



Minutes of an extraordinary meeting of Council held in the
Council Chamber at Level 2 Philip Laing House, 144 Rattray
Street, Dunedin on
Wednesday 27 November 2019 at 9:00 am

Membership

Hon Marian Hobbs	<i>(Chair)</i>
Cr Michael Laws	<i>(Deputy Chairperson)</i>
Cr Hilary Calvert	
Cr Michael Deaker	
Cr Alexa Forbes	
Cr Carmen Hope	
Cr Gary Kelliher	
Cr Kevin Malcolm	
Cr Andrew Noone	
Cr Gretchen Robertson	
Cr Bryan Scott	
Cr Kate Wilson	

Welcome

Cr Hobbs welcomed Councillors, members of the public and staff to the meeting at 9.00am

For our future

1. APOLOGIES

There were no apologies.

2. LEAVE OF ABSENCE

There were no leave of absence.

3. ATTENDANCE

Sarah Gardner	<i>(Chief Executive)</i>
Nick Donnelly	<i>(General Manager Corporate Services and CFO)</i>
Gavin Palmer	<i>(General Manager Operations)</i>
Sally Giddens	<i>(General Manager People, Culture and Communications)</i>
Richard Saunders	<i>(General Manager Regulatory)</i>
Gwyneth Elsum	<i>(General Manager Strategy, Policy and Science)</i>
Amanda Vercoe	<i>(Executive Advisor)</i>
Dianne Railton	<i>(Acting Committee Secretary)</i>
Eleanor Ross	<i>(Manager Communications Channels)</i>
Ryan Tippet	<i>(Media Communications Lead)</i>
Anita Dawe	<i>(Acting Policy Manager)</i>
Peter Constantine	<i>(Consultant Planner)</i>
Joanna Gilroy	<i>(Consents Manager)</i>

4. CONFIRMATION OF AGENDA

The agenda was confirmed as circulated.

5. CONFLICT OF INTEREST

Crs Kelliher and Wilson declared a conflict of interest. They could speak but not vote on the recommendations on the Response to Section 24A RMA Investigation Report.

6. PUBLIC FORUM

No public forum was held.

7. CONFIRMATION OF MINUTES

No Minutes were presented.

8. ACTIONS

Status report on the resolutions of Council.

No Actions were presented.

9. MATTERS FOR COUNCIL DECISION

9.1. Response to Section 24A RMA Investigation Report

Mr Peter Constantine, Consultant Planner, spoke to his presentation on the Planning Framework for Otago, which provided an overview of the report to Council. The presentation outlined a suggested work programme to achieve the planning framework changes recommended by Minister Parker as a result of the section 24A review into ORC.

Peter Constantine advised that the work covered all water permits, not just deemed permits expiring in October 2021. If a consent application arrived today, everything applied as of today no matter what the plan change would be. Once publicly notified, applications would then be part of that package.

Data on existing water plans was discussed. Richard Saunders, General Manager Regulatory advised that the Otago Regional Council did keep data on permits over time and water volume. Mr Richard Saunders said he would arrange for data to be sent to Council (within a 24 hour time-frame).

Staff advised they were looking at ideas for efficiency of time and costs of engagement. Staff were also talking with consultants and would be back to Council's with options for the proposed Water Permits Plan Change in January 2020. It was proposed to have a two-week on-line consultation period and that feedback would be brought back to Council as part of a workshop in January 2020.

It was noted that the Resource Management Act (RMA) says that the deemed permits will expire on 1 October 2021, and by law we could not roll the deemed permits over. This has been law since 1991.

The meeting adjourned for a break at 10.15am

Chair Hobbs called the meeting back to order at 10.34am and welcomed Honourable Professor Peter Skelton.

Professor Skelton gave an overview of his background and experience as an Environmental Court Judge and Commissioner at Environment Canterbury.

Professor Skelton noted the Otago Regional Council was not alone. There were 16 regional authorities in the country and everyone had to have a fit plan by 2025. The Otago Regional Council could be an exemplar if it wanted to. All regional councils have to do Progressive Implementation Programmes (PIPs). That process will be repeated at beginning of next year, with PIPs needing to be updated. The Ministry would look at all Councils to see where they were at and how they would get to 2025. He said that if you wanted certain outcomes to be achieved, if you were not in the team, you had no show. The Otago Regional Council had an opportunity to do things very well here and the Minister was aware of that.

Prof Skelton finished at 11.37am. Chair Hobbs thanked Professor Skelton for coming to speak to the Council.

Discussion returned to the paper. Cr Laws moved that Council wanted a community engagement plan that involved governance. Staff agreed, noting that some of the engagement would have commenced by the time of the next meeting.

Staff also agreed to provide a step by step guide as to how consents would be handled by the Council in the interim, in a paper to Council on 11 December 2019.

Cr Laws moved that under the principles, 13b should be amended to reflect water allocation being based upon existing water use, not paper allocation.

Cr Calvert asked if the workshop proposed for 7 January 2020 would be public. Staff advised that there may be legal privilege issues and agreed to provide advice on this question at the next Council meeting on 11 December.

Resolution

That the Council:

- 1) **Notes** the following:
 - a. *The community engagement and consultation outlined in paragraph 17*
 - b. *The overall timeline for achieving a fit for purpose freshwater planning regime set out in Appendix 1*
 - c. *Council approved a full review of the Water Plan on 31 October 2018*

- 2) **Approves** the following:
 - a. *Development of a Water Permits plan change in accordance with the principles outlined in paragraph 13*
 - b. *The timeline set out in Appendix 2 for the Water Permits plan change*
 - c. *Review of the Regional Policy Statement for Otago*

- 3) **Requests** that staff prepare a formal response to Minister Parker's letter, for consideration at the Council Meeting on 11 December 2019

The following motions and amendments were moved by Cr Laws, that the Council:

- 4) **Requests** that staff develop a community engagement and consultation programme to be tendered to the next Council meeting on 11 December 2019, that includes the act of participation of elected members.

- 5) **Requests** that staff provide a step by step guide as to how consents will be handled by the ORC in the interim, in a paper to Council on 11 December 2019.

- 6) **Notes** that it was agreed that 13b - water allocation should be based upon existing water use, not paper allocation.

Moved: Cr Deaker

Seconded: Cr Scott

CARRIED

10. CLOSURE

As there was no further business, Chair Hobbs declared the meeting closed at 12:10 pm.



Hon Marian Hobbs, Chair



Date